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MORNING SESSION

JUNE 4, 2021

(The following occurred outside the presence of the jury.)

THE COURT: Counsel, I want to tell you if you have an objection, speak up loudly because if I don't hear it, it doesn't help. Be sure you are heard if you have an objection.

Tyler, are we all present?

THE CLERK: That is correct. All nine jurors are present, Judge.

(The following occurred in the presence of the jury.)

THE COURT: All right. Good morning, folks. We will continue with the examination of Ms. Henderson. Where is Ms. Henderson?

THE CLERK: I am admitting her now. She's on her way.

THE COURT: There is Ms. Henderson. We are in the middle of redirect; is that correct?

MS. SCHEFFEY: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. SCHEFFEY:

Q Good morning, Ms. Henderson. Thank you for coming back today. I appreciate it.

At the end of the day yesterday, we were talking about training. I am not really quite sure where we ended. I want

1 to put Exhibit 5, which has been admitted, up on the screen.
2 Is this the training detainee volunteers get in the kitchen?

3 A Yes, it is.

4 Q I want to now call out page 231 of Exhibit 127, which is
5 also admitted. It is the Performance-Based National
6 Standards, if we could get that on the screen. I have a
7 great tech team working with us. Page 231 of Exhibit 127.
8 If we could call out Item 3. I think it is a few pages down.
9 It is not that part. We want to get to page 231. One more
10 page and we'll be there. There we go. If you could call out
11 Item 3 under there. Do you recognize this, Bert?

12 A Yes.

13 Q What is it?

14 A This is the ICE standard on training detainees.

15 Q Do the PBNDS require that detainees receive training?

16 A Yes, it is a requirement.

17 Q And is that the training that was contained in Exhibit 5?

18 A Yes, it is.

19 Q Is that intended to meet the standard?

20 A That is to meet the standards, yes.

21 Q Is the training that detainee workers get shorter than
22 that of employees?

23 A Yes, it is.

24 Q Do detainees go through new employee orientation with
25 sexual harassment training?

1 A No, they don't.

2 Q What about training on how to clock in and out for their
3 shift?

4 A No, they don't. That's not a requirement for them.

5 Q I also want to talk to you about permanence of detainees
6 in the facility and turnover. How long are most detainees at
7 the facility?

8 A Most of them are there for a few weeks to a couple of
9 months.

10 Q Are most of the detainees there a month or less?

11 A It is possible, yes.

12 Q So when a detainee signs up to volunteer, are they
13 committed to volunteering for any minimum period of time?

14 A No, they are not. Some can come and sign up and work for
15 a day or a week. So it is all volunteer.

16 Q Okay. Do you ever have detainees show up for just one day
17 and then choose not to come back?

18 A Yes.

19 Q Can you count on any minimum number of detainees in the
20 kitchen each day?

21 A No, I cannot.

22 Q What about if a detainee comes to you and asks to skip
23 their day of volunteering to work on their immigration case,
24 what happens?

25 A They can do that.

1 Q Are they written up?

2 A No, they are not.

3 Q If a GEO employee called in on short notice and said, "I
4 can't come in today," may he or she be written up?

5 A It is a possibility, yes, or counseling.

6 Q I also wanted to talk to you about performance, the
7 performance metrics. If a detainee decides they don't want
8 to participate in the program one day, are they precluded
9 from changing their mind a week later and asking to volunteer
10 in the kitchen?

11 A No, they are not. That happens all the time.

12 Q If a detainee does not want to do a specific task in the
13 kitchen, let's say panning up, but they are willing to stir
14 soup, would they get removed from the kitchen?

15 A No, they won't.

16 Q Do you give detainees performance reviews?

17 A No, I don't.

18 Q So yesterday, the jury heard from Mr. John Patrick
19 Griffin. Do you remember working with him?

20 A Yes.

21 Q Does he still work with you?

22 A No, he doesn't.

23 Q Was his employment terminated for failing to meet the
24 kitchen standards?

25 A Yes, it was.

1 Q When the standards weren't being met with the detainees --

2 MS. BRENNEKE: Objection. These are all leading
3 questions.

4 THE COURT: Sustained.

5 BY MS. SCHEFFEY:

6 Q Were any of the detainees who volunteered alongside
7 Mr. Griffin terminated for poor performance?

8 A No, they were not, no.

9 Q I want to talk to you about uniforms and equipment. Are
10 detainees who do not participate in the voluntary work
11 program provided uniforms?

12 A Yes, they are.

13 Q So in providing uniforms, does it matter whether a
14 detainee is participating in the voluntary work program or
15 not?

16 A It does not. They wear uniforms. It is a requirement.

17 Q You said it is a requirement. Is that a requirement of
18 ICE?

19 A Yes, it is.

20 Q What about tools, are detainees allowed to keep kitchen
21 tools in their bunk unit?

22 A No, they are not. My staff, GEO staff is the only ones
23 that can check out tools.

24 Q Is that related to whether they participate in the
25 voluntary work program or is it just a detention security

1 requirement?

2 A Security requirement.

3 Q I think I heard you testify earlier that the GEO facility
4 is a knife-free facility; is that correct?

5 A That is correct.

6 Q Okay. How do you get most of your vegetables? Are they
7 already cut up?

8 A There's some that are cut up. We do have dough cutters
9 that are tethered to the tables. They are monitored on an
10 hourly basis for security reasons and accountability.

11 Q And then so let's say you are going to serve chicken, do
12 you get a whole chicken to cut up or does it already come
13 presliced?

14 A It comes presliced. You have the thighs. If it is a
15 turkey roast, then we have a meat slicer, which is also a
16 tool that has to be checked out and monitored throughout the
17 day by my staff.

18 Q When you get the thighs, are those fresh thighs, frozen,
19 how do they come to you?

20 A Fresh thighs and leg quarters.

21 Q Do you have any opinion as to why detainees participate in
22 the voluntary work program?

23 A Yes. A lot of them like to do it because they want to get
24 out of the unit, get their minds off of their immigration
25 status. They enjoy doing it. We also enjoy them coming in

1 and helping out. They get to learn new things and keep their
2 mind off their issues.

3 MS. SCHEFFEY: No further questions. Thank you.

4 REDIRECT EXAMINATION

5 BY MS. BRENNEKE:

6 Q I have a few clarification questions from what you have
7 said. First off, let's talk again about the training. You
8 said the new GEO staff are provided 40 hours of training at
9 the start of their employment; is that right?

10 A New GEO staff will go through an academy, and they will
11 also go through an extra 40 hours of OJT.

12 Q They have refresher ART training annually; isn't that
13 right?

14 A That is correct.

15 Q All of the new GEO staff employee training is around
16 becoming detention officers, isn't it?

17 A Becoming detention officers and also a refresher of the
18 food service courses that -- also monthly, I did mention that
19 monthly we do have food service meetings and that's also
20 training in food service also.

21 Q So the training you provide your GEO staff in food
22 services is limited to monthly meetings and training?

23 A No, it is not limited to monthly meetings. It is -- in
24 food service, that is always an ongoing training process of
25 learning new things. There is new codes that come out from

1 the local health department, so that is -- in our profession
2 it is ongoing.

3 Q You provide that in monthly meetings to your GEO staff and
4 then on-the-job training when they are in the kitchen; is
5 that right?

6 A That's correct, when they are hired, yes.

7 Q And then -- none of the training that GEO corporate
8 provides is specifically oriented toward food service
9 production; isn't that true?

10 A We have a GEO policy that is in food service. We do have
11 a food service manual that we do so, yes, it is a requirement
12 that we do go through our policies and procedures in food
13 service, yes.

14 Q And those are GEO's policies and procedures for the
15 Northwest Detention Center; is that right?

16 A GEO and ICE.

17 Q Let's pull up, if we could, Caiti, Exhibit 20, I think
18 it's 27.

19 When you are talking about GEO policies and procedures
20 for food service, in the upper left-hand corner it says "GEO
21 Corrections Northwest Detention Center." Do you see that?

22 A Yes.

23 Q These are the GEO policies and procedures you require your
24 food service GEO employees to follow?

25 A GEO employees, correct.

1 Q These are the ones you cover with them to make sure that
2 they understand what the standards are; is that right?

3 A Yes.

4 Q That training is all done by you inhouse at the Northwest
5 Detention Center, isn't it?

6 A That is correct.

7 Q Now, in contrast -- well, strike that.

8 When you hire new GEO staff for the kitchen, you have
9 to do the on-the-job training and hands-on training so they
10 understand the particulars of the Northwest Detention Center
11 kitchen, isn't that true, how you set up the operation and
12 the particulars about that kitchen?

13 You can take that down.

14 MS. SCHEFFEY: Objection.

15 THE COURT: What is your objection?

16 MS. SCHEFFEY: Compound and misstates prior
17 testimony.

18 THE COURT: Rephrase the question, Ms. Brenneke,
19 please.

20 BY MS. BRENNEKE:

21 Q Ms. Henderson, when you hire new GEO staff from the
22 community, you still need to provide them the specific
23 hands-on training about how your kitchen works at the
24 Northwest Detention Center, right?

25 A They will be abrupt (sic) on how to know the policies and

1 procedures of GEO and the food service and also ICE standards
2 also.

3 Q When new detainee workers come into the kitchen, you also
4 treat them as entry level workers because you don't know for
5 sure if they have worked in a kitchen or not before; is that
6 right?

7 A They come in as being fresh. They are going to be trained
8 no matter what. It is a standard. It is required. I
9 can't -- they are not treated as employees. That's why their
10 training is going to be different than what GEO staff
11 training is going to be.

12 Q Well, they are not treated as detention workers, so they
13 don't need the detainee worker training, correct?

14 A They do not need a detention officer training, no.

15 Q What you do is you have that Exhibit 5 which you developed
16 with all of the specifics about what's required in the
17 kitchen that they need to know; is that right?

18 A Yes, I will, and it's giving them an idea of what they
19 will be doing working in the kitchen. There would be some
20 difference in laundry or in the pods. So there is going to
21 be a training packet for every volunteer work program that we
22 provide for them.

23 Q You have taken the responsibility to create that packet,
24 that new kitchen worker orientation packet for those new
25 detention worker trainings?

1 A According to the policy, yes.

2 Q I think you also testified that GEO staff provides
3 on-the-job training and retraining of detention -- of
4 detainee workers to make sure they follow those proper
5 standards and procedures and get it right; is that correct?

6 A It is a requirement. As far as getting it right, it is
7 going to be ongoing because they do come and go because it is
8 a voluntary work program. They can work a month and not work
9 any more, and then a month later if they decide they want to
10 come back, they will be retrained again. We will review that
11 training packet for them because it is something that I know
12 they are not going to stick in their head and make sure that
13 they are following those procedures. So that is going to be
14 ongoing. Their standards are going to be much lower than the
15 standards that I would treat my GEO staff.

16 Q Right, and the GEO staff have to provide pretty constant
17 supervision and retraining as necessary to make sure those
18 standards are met, correct?

19 A It is GEO staffs' responsibility to make sure that the GEO
20 policy and ICE standards are met. As far as the detainees,
21 because it is volunteer, it is the little tasks that they do
22 go through that we need to -- of course, handwashing, it is a
23 constant thing. It's something that they are not going to
24 keep in mind and be vigil about it. So those are some of the
25 things we have to keep reminding them of what they need to

1 do.

2 Q If the detainee workers just blatantly say, "Hey, I'm not
3 going to wear a uniform. I'm not going to wear gloves like
4 the policies require," then you would remove them for failure
5 to follow the required procedures; isn't that right?

6 A Not necessarily. At first, again, that's where you look
7 at that training book, and I can refer back to that saying
8 these are the standards. This is why it is required to wash
9 your hands because we don't want anyone to get sick. We
10 don't want you to get sick. So that's why there is a
11 training packet for the detainees so they can be aware of
12 that.

13 Q If they just decided, "Hey, I like working in the kitchen,
14 but I don't like wearing the gloves, I am not going to do
15 that," you would be required to remove them from their
16 position; isn't that right?

17 A I would, again, speak with them and let them know the
18 severity of why it is necessary. If it is a medical issue
19 that they can't wear gloves, it is something we can discuss
20 and maybe just, if they would like to stay in the kitchen,
21 maybe work in a different area where they are not handling
22 any food.

23 Q Ms. Henderson, I want to be really clear, though: If
24 people refuse to follow your standards, you maintain the
25 authority, and you sometimes use it, to remove them from the

1 kitchen because you need to follow those standards as GEO
2 employees, correct?

3 MS. SCHEFFEY: Objection, compound.

4 THE COURT: She may answer.

5 THE WITNESS: In regards to that, if a detainee
6 decides -- again, it's volunteer. So if they don't want to
7 work and do what is asked of them, they don't have to do it.
8 If they are not following the detainees rules, then they can
9 be removed.

10 BY MS. BRENNEKE:

11 Q All right. Now, in every other food services operation
12 you have worked for before GEO, have you given new employees
13 the opportunity to obtain the Washington State Food Service
14 Handler Permits as required by state law?

15 A In every department I work at, in any job working in food
16 service, it is required to have a food handler's card.

17 Q GEO has chosen not to allow or require detainee workers to
18 obtain a Washington State Food Handler's Permit at the
19 Northwest Detention Center?

20 A It is a voluntary work program. They get a medical
21 clearance through medical, that's what is required.

22 Q You are saying GEO hasn't provided them the opportunity to
23 get a food handler's permit or required them to do that; is
24 that right?

25 A It is not required for the detainees to have a food

1 handler's permit. It is required for them to have a medical
2 clearance.

3 Q Did you say that's because there is so much turnover that
4 you don't want to expend GEO's resources on unnecessary
5 training?

6 MS. SCHEFFEY: Objection.

7 BY MS. BRENNEKE:

8 Q Is that why you are not requiring --

9 THE COURT: Just a minute.

10 MS. BRENNEKE: Sorry, Your Honor.

11 THE COURT: Just a minute. Just a minute. Just a
12 minute.

13 The objection is overruled. You may want to rephrase
14 your question again.

15 BY MS. BRENNEKE:

16 Q Ms. Henderson, is the reason you haven't required the
17 detainee workers to have the opportunity and to pass and to
18 obtain the Washington State Food Handler's Permit is because
19 there is a lot of turnover and you don't want to expend the
20 resources on that training?

21 A No, the reason is that they are not employees.

22 Q Did GEO ever obtain a waiver of the requirement of the
23 State of Washington Food Handler Permits for detainee workers
24 who work in the kitchen?

25 A As far as the standard is concerned, the standard says

1 that they need to only have a medical clearance.

2 Q I am talking about Washington State law. Did you ever get
3 a waiver from the State of Washington to allow them to work
4 in the kitchen without a food handler permit?

5 A I have had the Health Department come in for the last 14
6 years that I have been there, and what they require is
7 looking at the medical clearance for medical and their
8 training packet that is required by ICE. There is no problem
9 with it. They are not employees, so therefore, they are not
10 required to have that food handler's card.

11 Q So the State of Washington has looked at your training
12 packet and determined that is equivalent to the food handler
13 permit requirements; is that right?

14 MS. SCHEFFEY: Objection. Calls for speculation.

15 THE COURT: I'm sorry, is there an objection or
16 something?

17 MS. SCHEFFEY: Yes, objection. Calls for
18 speculation.

19 THE COURT: She may answer.

20 THE WITNESS: I can't speak for the Tacoma Health
21 Department. But in my experience and everywhere I have been
22 and for the last 14 years, the requirement that they ask for
23 and that they look at when they come and do an inspection is
24 they look at the detainee training packet to make sure they
25 have a medical clearance by PHS and that the training has

1 been performed on them.

2 BY MS. BRENNEKE:

3 Q Okay. That's good. Thank you for clarifying that.

4 Let's go back to detainee uniforms. You just testified
5 that all detainees have uniforms at the Northwest Detention
6 Center; is that right?

7 A Yes, they do.

8 Q Those are the blue uniforms, orange uniforms, what is the
9 other one?

10 A Yellow.

11 Q Yellow. Okay. In the kitchen, they don't wear those, do
12 they?

13 A They wear white uniforms.

14 Q The white uniforms are provided only when they are working
15 in the kitchen; isn't that true?

16 A Yes.

17 Q They are only allowed to wear the white uniforms when they
18 are working at the kitchen, right?

19 A Well, I don't want them to wear their normal uniforms
20 while they are working in the kitchen, so yes, we give them a
21 white uniform to wear. It is in our standards that they wear
22 a white uniform, and we provide them with the slip-guard
23 boots and PPEs that's required for food service.

24 Q All those uniforms are only and exclusively for those who
25 are in the detainee work program in the kitchen, correct?

1 A Just in the kitchen, correct.

2 Q You had also testified yesterday -- feels like ancient
3 history, doesn't it? You testified yesterday to the fact
4 that you are only having a few detainee workers showing up on
5 their shifts right now; is that correct?

6 A That is correct.

7 Q It's also true, Ms. Henderson, that the overall population
8 of detainees at the Northwest Detention Center is unusually
9 low right now because of COVID; isn't that true?

10 A It is unusually low, yes, it is.

11 Q So you have, what, about, you know, 300 or so detainees
12 right now; is that correct?

13 A Roughly, yes.

14 Q And in the past, you would have in excess of 1300, up to
15 the capacity of over 1500; is that right?

16 A Yes.

17 Q So during this time of COVID, the capacity has been lower
18 and your food service requirements as a result are lower; is
19 that correct?

20 A The requirements are still going to be there. The
21 standard as far as food service is still going to be there.

22 Q But you are providing three meals a day for 300 detainees
23 or 900 meals as opposed to three meals for 1500 detainees?

24 A Yes.

25 Q There is a lower level of production required right now?

1 A Yes, there is.

2 Q I also want to just be really clear that in spite of
3 COVID, there have been no -- there have been no GEO staff
4 laid off or terminated because of the change of population,
5 correct?

6 A There hasn't been a change.

7 Q You are fully staffed to provide services for this lower
8 level of population?

9 A Yes, we are prepared to do that whether it's at 300 or
10 1500.

11 Q Now, when you looked at the GEO staffing requirements for
12 detainee workers, you testified that you had looked at the
13 actual staffing needs and determined that 25 or 30 workers
14 were needed per food preparation shift. Do you recall that
15 testimony?

16 A I do.

17 Q And in fact, prior to September of 2018, you were getting
18 pretty much actual staffing, full staffing in accordance with
19 your staffing plan; isn't that true?

20 A It would vary. The detainee volunteer workers would vary
21 on a daily basis. If there was scheduled 25, that didn't
22 mean that I was counting on all 25 to show up.

23 Q Isn't it true that prior to September of 2018, in fact,
24 you were getting in excess of 25 detainees on a regular
25 basis?

1 A There has been days where I had 25. There has been days
2 where I had five. It would all vary. I cannot count on that
3 amount every day.

4 Q I know you can't count on it, Ms. Henderson, but what I am
5 asking you about is what your experience was. When I took
6 your deposition, you said prior to September of 2018 you had
7 actual staffing of 25 to 30 workers who worked and fully
8 staffed each of the meal shifts in the kitchen, didn't you?

9 MS. SCHEFFEY: Objection.

10 BY MS. BRENNEKE:

11 Q On average?

12 MS. SCHEFFEY: Objection.

13 THE COURT: State your grounds, Ms. Scheffey.

14 MS. SCHEFFEY: This isn't proper impeachment. We
15 don't have the deposition in front of the witness or in front
16 of me so I can follow along.

17 THE COURT: That's a fair objection.

18 MS. BRENNEKE: Let me ask the question, and I will go
19 to the deposition if we need to.

20 BY MS. BRENNEKE:

21 Q Ms. Henderson, I am talking about averages, not particular
22 days. So on average, prior to September of 2018, you had
23 actual staffing of 25 to 30 detainee workers who worked and
24 fully staffed each of the meal shifts in the kitchen; isn't
25 that correct?

1 A That's what was on the kitchen roster. Again, I can't say
2 that every day there was 25. 25 was what was asked of. Was
3 25 there on a daily basis? There may have been days that
4 there were 25. But there is also days that there was less
5 than the 25.

6 Q Okay. You had the experience of them being more fully
7 staffed than not during that time period; is that correct?

8 A We have had days where there is 25. Again, we have also
9 had days when there was less than the 25.

10 Q Why don't we take a look at an exhibit that Ms. Scheffey
11 showed you earlier, Exhibit 309. Pull that up, please.
12 Caiti, we've shown her before page 026947, which I believe is
13 on page 33. Let's go back one. Let's go to 47. We want to
14 see Bates stamp 026947.

15 You recall Ms. Scheffey showed you this page of this
16 very long exhibit, which this was the breakfast shift for
17 October 22, 2015; is that correct?

18 A That was the day that document was created.

19 Q Right. Okay. The second page is -- if you go to the
20 second page, this was the number of detainee workers who were
21 set up to work that day, and there was 33 listed as
22 authorized; is that right?

23 A Can I explain a little bit about what this document is?
24 This document was created on the 22nd. If you look at the
25 top towards the right, it has Wednesday, Thursday, Friday,

1 Saturday, Sunday, Monday, Tuesday. Those are the days -- so
2 October 22nd is the beginning of when that document was
3 created where the volunteers had volunteered. Those were the
4 days. Also on day offs, there are days where the detainees
5 have already requested to be off. Any given day -- this
6 document is blank, but any given day what we would do, we
7 would put an "S" on it that they were there. Looking at this
8 document, it looks like, yes, there is 33 that volunteered,
9 but on a daily basis, starting with Wednesday, that would be
10 the day that we would annotate that those detainees showed
11 up. So again, there is that average of 33. There could have
12 been 20 or 15 that showed up on that Wednesday. That is how
13 we keep track.

14 Q All right. Ms. Henderson, do you recall that when -- I am
15 going to have you take a look at your deposition transcript.
16 On page 40, do you recall when I asked you at page 23 -- line
17 23, I said, "So prior to September or October of 2018, did
18 you have 25 to 30 people per shift of the detainee workers
19 working in the kitchen?" You said, "In that range, yes." Is
20 that correct?

21 A That is correct.

22 Q So on average, you were getting 25 to 30 detainees working
23 on average?

24 A So if we go back to our -- that last exhibit, on average,
25 we were getting 33 that volunteered on average per day. If

1 that is not filled out, then, yes, we do get the average of
2 25. You have to base it on that form being filled out
3 throughout that week to see if there is volunteers that
4 actually came those days.

5 Q I just want the jury to understand, you authorize more
6 workers because sometimes people need a day off or they are
7 sick or something like that, or they transition out?

8 A I am not going to use the term "authorized." They
9 volunteer. So if I have 25 people that volunteer that want
10 to work, we allow them to do that. So we got 33 people that
11 decided that they wanted to volunteer to work that breakfast
12 shift. Again, you have to look at the whole scope of that
13 document. It came out on the 22nd. But it started on that
14 Wednesday, so every day of the week there is going to be -- I
15 can't count on how many is going to show up.

16 Q Right. I understand that. What was important to me is
17 that in your testimony before, and I think what you just said
18 to the jury is that, in fact, you had 25 or 30 people per
19 shift actually showing up for each food service shift; isn't
20 that correct?

21 A No.

22 Q On average?

23 A On average, there is 25. That's what we -- that signed up
24 to volunteer to work. But on a daily basis, if you have the
25 document that was filled out for that whole week, you would

1 see the average that came. That was the average that
2 volunteered.

3 Q I understand. But in your deposition that we just read,
4 you said you had 25 to 30 people per shift working in the
5 kitchen. You said in that range, yes; correct?

6 A It can be in that range. I am saying -- I feel like I'm
7 saying-- giving you the same answer.

8 Q Well, Ms. Henderson, I think it is important because
9 obviously it is going to shift. The jury needs to understand
10 what the norm has been in the past of how things have worked.
11 Also, prior to September or October of 2018, you also had ten
12 to 12 night cleaning detail workers showing up to work for
13 those shifts, didn't you?

14 A If the document that we were showing, the exhibit that we
15 were showing that was completed for that week, then we can
16 actually look and have a vigil (sic) of how many actually
17 showed up. On average, yes, we were asking for 20 to 25
18 volunteers to work. That was per shift, that is correct.
19 What actually came is a different number. I wish you had
20 that document to show.

21 Q We can definitely show you some of your reports because
22 you are actually tracking this information on a daily basis.
23 You also track it on an annual basis, don't you?

24 A Detainee volunteer workers?

25 Q Yes.

1 A As far as that, I track meals. As far as the volunteer
2 worker that show up on that work roster, that's my only
3 tracking that we keep on the detainees that sign up and
4 volunteer to work.

5 Q That information gets cumulatively tracked so you can look
6 at that on an annual basis, too; isn't that true?

7 A No.

8 Q Why don't we take a look at Exhibit 35?

9 MS. SCHEFFEY: Is 35 admitted, Andrea?

10 BY MS. BRENNEKE:

11 Q Tell me when you've found that, Ms. Henderson.

12 A I have it.

13 Q Is that the 2013 year-end report for the Northwest
14 Detention Center?

15 A Yes.

16 Q That is something your food service department had some
17 components in that; is that correct?

18 A Yes.

19 MS. BRENNEKE: I move to admit that.

20 MS. SCHEFFEY: I don't think we have the foundation
21 about whether she creates this or maintains it.

22 MS. BRENNEKE: It is a stipulated exhibit,
23 Your Honor.

24 MS. SCHEFFEY: I just want to make sure it is clear
25 before we admit it under her that she has some knowledge of

1 what is in here.

2 THE COURT: Exhibit 35 may be admitted.

3 (Exhibit 35 was admitted.)

4 Q Ms. Henderson, why don't we go ahead and put -- okay.
5 That's the 2013 year-end report of the Northwest Detention
6 Center; is that right?

7 A Yes.

8 Q Your section, I think, begins on page 15. Can you please
9 show us that page? Is this the food service summary that
10 shows the tracking of the number of meals, including sack
11 lunches and special diets you served in 2013?

12 A Yes.

13 Q This shows a range from like the low end in July of
14 116,667 meals to the high in December of 167,472 meals; is
15 that right?

16 A Yes.

17 Q If you look at page 5 --

18 THE COURT: Counsel -- well --

19 MS. BRENNEKE: Would you like me to say the Bates
20 stamp numbers?

21 THE COURT: Well, you have got to either go by one or
22 the other and tell the jury which one you are going by so
23 that it makes some sense.

24 MS. BRENNEKE: Thank you, Your Honor. I apologize.

25

1 BY MS. BRENNEKE:

2 Q Can we go back to the food service summary. If they are
3 making notes, that was page 35.

4 MS. BRENNEKE: Your Honor, I am a little clunky
5 because we are trying to get it on the Zoom. You are
6 absolutely right. For the record --

7 MS. SCHEFFEY: Mine only goes to page 26.

8 BY MS. BRENNEKE:

9 Q What is on the screen is GEO-State 029822, that's page 15
10 where the food service summary is, right? Is that correct,
11 Ms. Henderson? That's page 15 of the report. Okay.

12 Then I wanted to just also, if you would look at page 5
13 of the report, Caiti. If you can help us get there. All
14 right. Page 5 of the report is GEO-State 029812. This shows
15 an average daily population of detainees at the Northwest
16 Detention Center of 1,354; is that correct?

17 A Yes, it is.

18 Q And so not quite to capacity, but getting pretty close; is
19 that right?

20 A Uh-huh, yes.

21 Q To your point about the detainee work and how much work is
22 done in the kitchen, I want you to take a look, please, at
23 Appendix D, which is page 25 of that report. This shows the
24 detainee work details by type at the Northwest Detention
25 Center; is that right?

1 A Yes.

2 Q It talks about detainee work details by types, and details
3 are the same thing as shifts; is that true?

4 A No, that is just the detail that they volunteered for,
5 whether it be detailed laundry, kitchen, pod, that's the
6 detail.

7 Q Is it your understanding that when they are doing this
8 tracking, they are tracking how many details or shifts were
9 worked by detainees at the Northwest Detention Center that
10 year?

11 A Me personally did not comply (sic) this information. I
12 didn't give them information as far as tracking how many
13 detainees worked per day. That probably was on a
14 classification basis. I can't say that I was the one that
15 gave them that information.

16 Q Well, Ms. Henderson, you did testify that when people come
17 to work, they sign that they have worked so they can get paid
18 for that day; is that correct?

19 A That is correct. But there is more than one voluntary
20 work program.

21 Q You mean there is a voluntary work program in the kitchen,
22 one in the laundry, one in the pod; is that what you mean?

23 A Yes.

24 Q So for the kitchen, you have those out count sheets that
25 we have looked at, I believe, and when people work they sign

1 on there that they worked that detail or that shift, correct?

2 A Yes.

3 Q Then you pass those out count sheets on to the payroll
4 people so they get paid; is that correct?

5 A That is correct.

6 Q And so the work detail, or the work shifts are, in fact,
7 tracked every day by who worked that day so they could get
8 paid; is that right?

9 A That is correct.

10 Q You said you don't provide training on how to clock in or
11 clock out for the kitchen; is that right?

12 A Not for detainees, no.

13 Q Right, that's because you are not tracking the hours they
14 are working, are you?

15 A Yes, we are.

16 Q How are you -- how are you tracking the hours they work?

17 A Because I know the times that they actually come in and
18 there is no clock in/clock out. They are not employees. The
19 standard does say, the voluntary work program says they can
20 work up to eight hours a day.

21 Q Okay. So, in general, you know how many hours they are
22 working because you know how long the shifts last; is that
23 right?

24 A That is correct. That's why it is broken down to three
25 different shifts.

1 Q But when you are tracking who works, you are not having
2 them clock in and monitor how many hours or minutes they
3 worked that day, are you?

4 A No, there is no clocking in or clocking out.

5 Q Let's look back at our Exhibit 35 -- no, I want the
6 exhibit back up. So when they work a shift, that information
7 is sent on to payroll. What I want you to look at here in
8 terms of the types of work detail, this corresponds with the
9 areas of work of the voluntary work program in the facility,
10 correct, pods, laundry, medical, kitchen?

11 A Yes.

12 Q It says, for example, that in the pod there is 71,998
13 shifts and 57 percent of the workforce; is that right?

14 A Yes.

15 Q And then in the laundry says there were 11,938 shifts and
16 that was nine percent of the work in the voluntary work
17 program that happened in the facility that year; is that
18 right?

19 A I believe so, yes.

20 Q And then kitchen, this is your area, you had 29,521 shifts
21 worked by detainee workers. That was 23 percent of the work
22 of the voluntary work program at the Northwest Detention
23 Center in 2013; is that right?

24 A Yes.

25 Q So effectively, the kitchen provides work opportunities

1 for about a quarter of the people at the Northwest Detention
2 Center who wanted to work; is that right?

3 A That is correct.

4 Q In the end, the total I guess at the end of that year,
5 there were 126,474 work details or shifts by detainee
6 workers; is that correct?

7 A That is correct.

8 Q Excuse me for one moment, please. I want to make sure
9 that -- all right. Just so the jury is really clear, because
10 there is a lot of evidence in the record that may come out
11 through other witnesses. I want you to take a look at one of
12 your kitchen sign-off sheets. Could you please pull up
13 Exhibit 57? Do you have that, Ms. Henderson?

14 A Yes, I do.

15 Q Is that the detainee worker kitchen cleanup pay sheet the
16 kitchen officer would have filled out and the detainee worker
17 signed to show they worked on May 9th of 2013?

18 A Yes.

19 MS. BRENNEKE: I move to admit.

20 MS. SCHEFFEY: No objection.

21 THE COURT: Exhibit 57 may be admitted.

22 (Exhibit 57 was admitted.)

23 BY MR. BRENNEKE:

24 Q This is an example of what you were talking about, that
25 you have the rosters of who is authorized, but then when

1 people actually show up you get to track them by day, by
2 shift, and the detainee workers sign off that they worked; is
3 that right?

4 A This is the pay sheet that gets turned in, yes.

5 Q Uh-huh. Okay. And so on this date, this shows that ten
6 detainee workers actually showed up and signed off that they
7 worked on the night cleaning shift of May 9th, 2013; is that
8 right?

9 A Yes.

10 Q And then this gets passed on for payroll and tracking that
11 we saw; is that right?

12 A Uh-huh, yes.

13 Q You do this for every single shift that is worked in the
14 kitchen; is that right?

15 A Yes, we do.

16 Q That is your payroll tracking process?

17 A Yes.

18 MS. BRENNEKE: I have no further questions,
19 Your Honor.

20 THE COURT: May this witness now be excused?

21 MR. WHITEHEAD: Your Honor, I do have a couple
22 questions.

23 THE COURT: Go ahead, Mr. Whitehead.

24 RECROSS-EXAMINATION

25

1 BY MR. WHITEHEAD:

2 Q Ms. Henderson, let me see if I can find you on my screen.
3 There you are.

4 I don't want to lose sight of the big picture of your
5 testimony or the food service operation. Someone needs to
6 prep the food at the Northwest Detention Center, correct?

7 A That is correct.

8 Q Someone needs to serve the food, correct?

9 A That is correct.

10 Q Someone needs to clean up afterward?

11 A That is correct.

12 Q This happens on a big scale; is that right?

13 A Big scale every day, that is correct.

14 Q You have a facility that can hold up to 1500 people,
15 right?

16 A Yes, huh.

17 Q If I understood your testimony yesterday, we even have GEO
18 personnel that take meals from the kitchen; is that right?

19 A Yes.

20 Q ICE personnel?

21 A That is correct.

22 Q Someone needs to do this work?

23 A Yes.

24 Q Is that right?

25 Historically, detainee workers have been a part of the

1 solution at the Northwest Detention Center, correct?

2 A They have been a help, yes.

3 Q All right. Remind me, how many kitchen staffers do you
4 have?

5 A I have 13 in my department.

6 Q But it is only two that work at any given time actually
7 prepping and serving food, correct?

8 A Incorrect. There is six people on shift per day, three in
9 the morning, three in the afternoon. Myself and my
10 production manager is there seven days a week.

11 Q Six people divided by three shifts is two working at any
12 given time, correct?

13 A When you ask "shifts," there is two shifts, morning shift,
14 afternoon shift, three cooks in the morning, three cooks in
15 the afternoon.

16 Q All right. I understand your testimony in terms of the
17 number of people cooking at any given time. The GEO
18 personnel is outnumbered by the detainee workers, correct?

19 A Yes, they are.

20 Q The detainee workers, they are doing the bulk of the food
21 prep, serving and clean up?

22 A That is incorrect. Because if the detainees don't show
23 up, my staff will be able to get those meals out.

24 Q I understand that part of your testimony. I just want to
25 be clear on this point: Is it your testimony that someone

1 other than the detainee workers does the bulk of the food
2 prep, serving and clean up?

3 A GEO staff was hired to do that.

4 Q All right. Again, I want to be clear on your testimony.
5 I don't want to put words in your mouth. Your testimony is
6 GEO staff does the bulk of the food prep, serving and clean
7 up at the Northwest Detention Center?

8 A That is correct. That's not all of what we do.

9 Q Okay. And to that part of your testimony, would it be
10 fair for the jury to judge what you have just told us against
11 perhaps what others testify or document in this case?

12 A We were hired by GEO to run the food service department
13 and to ensure that we are serving the appropriate meals seven
14 days a week for those that are detained at that facility.

15 Q You called the detainee workers "volunteers" a number of
16 times, but they work for money; is that right?

17 A It is a voluntary work program. There are detainees that
18 are there that don't volunteer to do any jobs.

19 Q They are paid for their time; is that correct?

20 A That is an ICE standard they put out that will give them
21 that incentive, but, again, they are detainees. That's why
22 there is programs there that is mandated that we have
23 different programs for them. One just happened to be
24 volunteering working in the kitchen. Again, they may
25 volunteer and they may not.

1 Q I understand what you are saying. But it is a yes-or-no
2 question. The detainee workers are paid a dollar a day for
3 their work, correct?

4 A Yes, they are.

5 Q Are you a volunteer?

6 A I have volunteered before. But I'm hired as an employee
7 for GEO.

8 Q That's right. You are paid, correct?

9 A That is correct.

10 Q You do your job for the money?

11 A I am paid to do the job that is required of me to do.

12 MR. WHITEHEAD: Thank you. No further questions.

13 THE COURT: May Ms. Henderson be excused?

14 MS. BRENNEKE: Yes, Your Honor. Thank you very much,
15 Ms. Henderson.

16 THE COURT: Ms. Henderson, I have one question for
17 you.

18 THE WITNESS: Sure.

19 THE COURT: How do you figure out what size of boots
20 to get for the detainees?

21 THE WITNESS: On average, I go from a size six to a
22 size 14. I have had to actually purchase boots for a
23 gentleman that had an 18. So I have all different sizes
24 there.

25 THE COURT: Okay. As one with size 15 feet, I was

1 curious about that.

2 THE WITNESS: Yes, I can --

3 THE COURT: Thank you.

4 THE WITNESS: You're welcome.

5 THE COURT: You may be excused.

6 THE WITNESS: Thank you.

7 MS. CHIEN: Your Honor, Ms. Singleton is available
8 for continuation of cross-examination.

9 THE COURT: Good, let's get her in.

10 THE CLERK: Yes, Your Honor, she's on her way into
11 the main session right now.

12 THE COURT: Ms. Singleton, you were previously sworn.
13 You are still under oath. We will continue with your
14 testimony. Where were we when we stopped with her?
15 Ms. Mell, you were cross-examining.

16 MS. MELL: I am good to go. That is correct.

17 CROSS-EXAMINATION (Resumed)

18 BY MS. MELL:

19 Q Ms. Singleton.

20 A Yes.

21 Q You were a GEO employee, correct?

22 A Yes.

23 Q And as a GEO employee, one of the benefits GEO paid for
24 you was a health and welfare benefit, they gave you a
25 stipend --

1 THE CLERK: Your Honor, sorry to interrupt. Can we
2 take a short break for Juror No. 3?

3 THE COURT: We will take a break, folks. We will
4 just be at recess for a few minutes.

5 (Recessed.)

6 THE COURT: Let's go back on the record and keep
7 going. We will take a break in about half an hour.

8 THE CLERK: I am bringing the jury back in. Thank
9 you for accommodating that. Juror No. 1 is not connected to
10 audio at the moment.

11 It appears Juror No. 1 was able to reconnect. As soon as
12 she turns the video on, we should be ready to go. We are
13 ready to continue.

14 THE COURT: All right. The witness is present. All
15 right, Ms. Mell, you may continue.

16 MS. MELL: Thank you, Your Honor.

17 THE COURT: Perhaps -- excuse me. I'm sorry to
18 interrupt. We had to get some equipment to one of the jurors
19 and the equipment was being delivered, that's why we had to
20 take a break so she could take care of that. Then we had the
21 other glitch that is now worked out. I'm sorry to interrupt.
22 We will go back to where we were and, Ms. Mell, you can start
23 again.

24 MS. MELL: I am going to ask the question again just
25 so we start fresh.

1 BY MS. MELL:

2 Q So Ms. Singleton, as -- you were employed by the GEO
3 Corps, correct?

4 A Correct.

5 Q As an employee of the GEO Corporation, you received a
6 monthly benefit in the form of a health and welfare benefit,
7 correct?

8 A Correct.

9 Q You could spend that at your election to apply to health
10 care services, correct?

11 A Correct, or medical benefits.

12 Q Medical benefits. And at the Northwest Detention Center,
13 Northwest ICE Processing Center there are a number of medical
14 providers on site, correct?

15 A Yes.

16 Q There is a whole range of health care delivered there,
17 mental health services, dental services?

18 MS. CHIEN: Objection, relevance.

19 BY MS. MELL:

20 Q Those kinds of services, correct?

21 THE COURT: The objection is overruled.

22 THE WITNESS: Yes.

23 BY MS. MELL:

24 Q All right. And with regard to the availability of those
25 doctors to you, as a GEO employee, you were not afforded the

1 free medical if you needed to see a doctor that day, correct?

2 A No, that was only for the detainees.

3 Q So the detainee voluntary work program participants had
4 access to those medical providers 24/7, correct?

5 A All detainees have access to that.

6 Q All right. So in terms of the ability to access medical
7 care, dental care, mental health care on site, they were able
8 to do that for free there, correct?

9 A Correct.

10 Q And when they accessed those services, there was no
11 paperwork that was then brought back to you to apply to their
12 voluntary work program benefit, correct?

13 A Incorrect. There are workers in certain areas that
14 require paperwork for medical.

15 Q Okay. So the paperwork that you received from medical
16 pertained to the kitchen in particular, correct?

17 A Correct.

18 Q So you had to get health care clearance from the doctors
19 there in order for a voluntary work program participant to
20 volunteer in the kitchen?

21 A Correct.

22 Q Did you ever get any paperwork back from medical to deduct
23 from their volunteer worker pay the cost of that medical
24 clearance?

25 A I wouldn't receive that information, if it has to do with

1 any of that.

2 Q Did you ever receive any documentation, just billing
3 invoices, to apply to VWP participant pay as a deduction?

4 A We don't receive anything with billing. So if we did, it
5 wouldn't come to me either way.

6 Q To the best of your knowledge, were there any deductions
7 that you processed from the voluntary worker pay?

8 A We do zero deductions for any reason.

9 Q As an employee of GEO, you were a union employee, correct?

10 A Correct.

11 Q And as a union employee, benefits for union membership
12 were taken from your paycheck, correct?

13 A No.

14 Q Did you elect not to contribute to the union?

15 A No, we don't have that choice to be employed. So I paid
16 it on my own.

17 Q You paid it separately?

18 A Correct.

19 Q So you paid for union benefits as a GEO employee at the
20 Northwest ICE Processing Center, correct?

21 A I pay union dues.

22 Q Do you have a union grievance or any unfair labor practice
23 claim pending?

24 A With our union?

25 Q Correct.

1 A No, I have never utilized the union.

2 Q In terms of your employment status, you have never asked
3 them to advocate on your behalf, correct?

4 A Yes, when I was terminated, then I did.

5 Q The union declined to represent you; is that correct?

6 A Correct.

7 Q Did they give you a reason why they declined to represent
8 you?

9 A Only that they don't know anything.

10 Q I'm sorry, they didn't know anything? What does that
11 mean?

12 MS. CHIEN: Objection, relevance.

13 THE WITNESS: Regarding termination.

14 BY MS. MELL:

15 Q Did you give them any information about your termination?

16 MS. CHIEN: Objection, relevance.

17 THE COURT: Overruled. You may answer,
18 Ms. Singleton.

19 THE WITNESS: Yes, I did.

20 BY MS. MELL:

21 Q What information did you provide to your union about your
22 termination?

23 A That it was unlawful termination due to discrimination for
24 race and retaliation.

25 Q Did you also give them any paperwork you received from the

1 Department of Labor & Industries?

2 A No.

3 Q At the time you requested union representation, had you
4 received your notification from the Department of Labor &
5 Industries as to a determination of innocent
6 misrepresentation?

7 A Yes.

8 Q So at the time you asked for union representation, they
9 knew that you had a finding of misrepresentation against you
10 by the Department of Labor & Industries?

11 A I don't know.

12 Q Was that finding of misrepresentation a reason the union
13 gave for not representing you?

14 MS. CHIEN: Objection, assumes facts not in evidence.
15 She didn't say she knew.

16 THE COURT: Objection is sustained.

17 BY MS. MELL:

18 Q Did the union --

19 THE WITNESS: No.

20 BY MS. MELL:

21 Q Okay. You had no conversations with the union over the
22 significance of your misrepresentation findings, correct?

23 MS. CHIEN: Objection. Again, assumes facts not in
24 evidence.

25 THE COURT: The objection is sustained.

1 THE WITNESS: Innocent misrepresentation.

2 MS. CHIEN: Ms. Singleton, when it is sustained, it
3 means you don't have to answer.

4 BY MS. MELL:

5 Q With regard to the collective -- strike that.

6 There was a collective bargaining agreement that
7 applied to your position; is that correct?

8 A I don't know.

9 Q Do you know whether or not the detainee volunteers were
10 covered by any kind of collective bargaining agreement, union
11 representation?

12 A I don't know.

13 Q Did you ever process any documentation or paperwork to
14 make sure that the detainee workers would be reflected as
15 part of a union or not, whether or not they were represented?

16 A That wouldn't -- that is not part of my job duties.

17 Q In terms of documenting the status of detainees who were
18 participating in the voluntary work program, was there any
19 paperwork that you processed that related to union
20 representation for detainees?

21 A Wouldn't be part of my job responsibility.

22 Q Why do you say it wouldn't be part of your job
23 responsibilities?

24 A Because the policy for the voluntary work program for GEO
25 doesn't state that is something I am required to do or

1 maintain.

2 Q Does the policy for the voluntary work program mention
3 detainees as employees?

4 A Not that I can recall.

5 Q Does the policy for voluntary work program participants
6 entertain the idea that voluntary work program participants
7 are represented by unions?

8 A Not that I am aware of.

9 Q Did you ever process any paperwork for any voluntary work
10 program participant related to a union grievance?

11 A I already indicated it wouldn't come to me if it does
12 exist.

13 Q Have you ever seen in your tenure, your 20 years in
14 working with the voluntary work program, a union grievance or
15 union grievance paperwork that would pertain to a voluntary
16 work program participant making a grievance, a union
17 grievance?

18 A Those wouldn't come to me. There is a grievance
19 department.

20 Q Is there a grievance department for employees?

21 A I wouldn't know.

22 Q As an employee, did you ever grieve any conditions of your
23 employment?

24 A Not that I can recall specifically, no.

25 Q Do you know whether or not voluntary work program

1 participants had a grievance process?

2 A All detainees have a grievance process.

3 Q Does that grievance process allow you to grieve the
4 conditions of your work?

5 A I wouldn't know if theirs goes to the same place or not.

6 Q So you are unfamiliar with who makes the final decision as
7 to any complaint or grievance filed by a voluntary work
8 program participant?

9 A We have a grievance policy, GEO does. We have a GEO
10 coordinator that receives those and processes those within
11 GEO.

12 Q You don't know anything about how that process ends,
13 correct, that's not your department?

14 A No, that's not my department to know the ultimate outcome
15 of it.

16 Q If ICE was the ultimate decision maker, you wouldn't know
17 that, correct?

18 A The only information I know about the grievance policy is
19 a process by GEO.

20 Q You have never participated in it, right?

21 A I have seen grievances for other reasons that haven't been
22 forwarded to me. It only has the facility administrator's
23 name on it for signature.

24 Q The reason you got the grievance is to deal with the VWP
25 participant status?

1 A No, classification stuff is the only one I can recall
2 right now.

3 Q So with regard to unfair labor practices, are you familiar
4 with what that is?

5 A Yes.

6 Q Did you file an unfair labor practice when the union
7 denied you representation?

8 A No, I don't -- didn't deal anything with the union. I am
9 dealing with it through my legal options with an attorney.

10 Q Okay. You are presently suing GEO?

11 A Exploring the legal options with an attorney.

12 Q You have an attorney retained for that purpose?

13 A Exploring legal options with an attorney.

14 Q Okay. With regard to unfair labor practice, unfair labor
15 practices, in your position in overseeing the processing of
16 paperwork for the voluntary work program, did you ever see
17 any unfair labor practice complaints or paperwork filed on
18 behalf of or by a voluntary work program participant?

19 A I processed requests asking for work.

20 Q Okay. Those are the kites?

21 A Correct.

22 Q So the processing of the kites was to acknowledge and
23 recognize which detainees wanted to participate in the
24 voluntary work program, correct?

25 A The ones that came to me.

1 Q Okay. Different area of employee benefits, unemployment.
2 As a GEO employee, you are entitled to unemployment
3 compensation benefits, correct?

4 A I would imagine. I haven't applied for any.

5 Q You have never asked for that kind of benefit from the
6 Department of Employment Security, correct?

7 A Not while working for GEO, no. I am not sure what GEO
8 offers.

9 Q Okay. How about with regard to detainee workers in --
10 well, anywhere, anywhere any volunteer could participate in
11 the voluntary work program, were there ever any applications
12 that you processed for unemployment benefits for those
13 volunteers?

14 A They wouldn't come to me. I process requests for work.

15 Q Do you keep a file separately on each detainee or keep
16 collective information to who is volunteering?

17 A I just receive the requests and process them. I don't
18 maintain detainee files.

19 Q Okay. All right. How about with regard to worker
20 compensation benefits, did you ever process any applications
21 for workers' compensation benefits for detainees?

22 A Again, those would not come to me. I only do the ones for
23 requests for work.

24 Q So as an employee, you are entitled to worker's
25 compensation benefits, correct?

1 A Yes.

2 Q As a matter of fact, that's one of the benefits that you
3 accessed as a GEO employee, correct?

4 A Correct, I'm still receiving workers' compensation.

5 Q Okay. In fact, that's what relates to the innocent
6 misrepresentation finding against you, correct?

7 A Correct.

8 MS. CHIEN: Objection.

9 THE WITNESS: An oversight by L&I.

10 BY MS. MELL:

11 Q Do you still at present owe close to \$40,000 to the State
12 of Washington?

13 MS. CHIEN: Objection, assumes facts not in evidence.

14 THE WITNESS: No, ma'am.

15 BY MS. MELL:

16 Q Did the State of Washington assist you in resolving your
17 outstanding obligation to Labor & Industries for unemployment
18 benefits?

19 MS. CHIEN: Objection, assumes facts not in evidence.

20 THE COURT: I think that is a fair objection,
21 counsel.

22 MS. MELL: I think it is a fair objection. I don't
23 think I got as many of the background pieces in there. I
24 will start back a few steps.

25

1 BY MS. MELL:

2 Q I see you have an airplane wing. I think it might be
3 Mount Rainier depicted in your background; is that correct?

4 A Possibly.

5 Q Is that an airplane wing of an Alaska Airlines jet?

6 MS. CHIEN: Objection, relevance.

7 BY MS. MELL:

8 Q No particular airplane, but you do have a connection to
9 Alaska Airlines, correct?

10 A Correct.

11 Q Your connection to Alaska Airlines is that you have a job
12 with them, you are one of their employees, correct?

13 A Correct.

14 Q You have worked for an Alaska Airline -- for Alaska
15 Airlines as an employee in the position of reservation sales
16 agent since December 3rd, 2018, correct?

17 A Approximately, correct.

18 Q Okay. And as of December 3rd, 2018, you were still a GEO
19 employee, correct?

20 A Correct.

21 Q All right. So you were receiving income from GEO and you
22 were receiving income from Alaska Airlines, correct?

23 A Correct.

24 Q You are a hard worker. Didn't stop there. You also were
25 receiving income because you had a loved one of some kind, I

1 believe, that you were caring for?

2 MS. CHIEN: Objection, assumes facts not in evidence.

3 BY MS. MELL:

4 Q Is that correct?

5 THE COURT: She may answer.

6 THE WITNESS: It wasn't income. It was considered
7 compensation for a disabled child of mine.

8 BY MS. MELL:

9 Q You were receiving Department of Social and Health
10 Services benefits as a caregiver for your child who is
11 disabled?

12 A Yes, compensation for providing care.

13 Q Okay. So in -- I think the title is independent care
14 provider; is that correct?

15 A Possibly. I am not sure what the exact title is.

16 Q That ran -- you are still getting those benefits, correct?

17 A Correct, she's still my child.

18 Q So she's -- it doesn't matter whether or not your child is
19 a minor or an adult for those benefits, correct?

20 A Correct.

21 Q Okay. So the period of benefits began in 2018 or prior to
22 that?

23 A I have always received some type of benefit under one
24 program or another.

25 Q Okay. Did she turn 18 -- I'm sorry. I don't even know

1 your child's name. I don't mean to refer to her
2 disrespectfully. Do you have a daughter or son?

3 A Daughter.

4 Q Your daughter, did she turn 18 in 2018?

5 A No, she had already been 18 before that year.

6 Q Okay. Did your benefit status change in 2018 so you were
7 receiving a different kind of state benefit as of that date?

8 A At some point, yes.

9 Q So those benefits were paid throughout 2018 and 2019?

10 A Correct.

11 Q Okay. Those benefits have stayed the same, then, since
12 they changed in 2018?

13 A They changed again as well. Still some type of
14 compensation.

15 Q Okay. And then on January 11th of 2018, you made a claim
16 for workers' compensation benefits because you injured
17 yourself in defensive tactics training; is that correct?

18 A That is correct.

19 Q Was the injury a shoulder injury?

20 A Correct.

21 Q And it was of significance that you actually were off
22 work, correct?

23 A Not in January of 2018.

24 Q Did you -- when then did you go off work? Did you go off
25 work for that injury?

1 A Yes, but I had zero time lost for the injury until July
2 2019.

3 Q So you accrued some time loss and then you took time off?

4 A No, I worked every day like I was scheduled.

5 Q I am just trying to understand the timing. The injury
6 occurred in January, but you didn't take any time off until
7 later, much later, like mid-year, July, is that what you
8 said?

9 A Correct. The process that workers' compensation has you
10 go through.

11 Q Okay. So I am just trying to understand the injury. Was
12 the injury an injury that required you to be off work, or was
13 there some other reason you went off work that far after the
14 injury?

15 A In July 2019 is when I had surgery for the injury.

16 Q Okay. So it was the surgery that precipitated the need to
17 be off and recover?

18 A Correct.

19 Q The recovery period for that was how long?

20 A Still currently in recovery.

21 Q You haven't been eligible to return to work at GEO at all?

22 A They terminated me, so I was cleared to go back to work.

23 Q Okay. So then I don't understand. Are you still
24 recovering? Were you just returned to work in a light duty
25 capacity?

1 A Correct.

2 Q Okay. All right. At the point in time that you made
3 your -- well, so you get the injury and then you submit a
4 claim for unemployment compensation, correct? Not
5 unemployment, workers' compensation. I have to get my
6 departments straight. Workers' compensation benefits, you
7 made a claim for those?

8 MS. CHIEN: I object just because this is going quite
9 long. I am going to object on relevance.

10 MS. MELL: Your Honor, I need discretion on
11 foundation to get to the conclusion.

12 THE COURT: The objection is overruled.

13 BY MS. MELL:

14 Q Ms. Singleton, did you understand the question?

15 A I didn't hear the question.

16 Q I'm sorry. You made a claim for unemployment compensation
17 benefits for this workplace -- did I say the wrong thing
18 again? Did I do it wrong again?

19 You made a claim for workers' compensation benefits for
20 your workplace injury, correct?

21 A I filed my required paperwork for the injury itself. I
22 wasn't compensated by workers' compensation at all at that
23 point for anything monetary.

24 Q At some point, they recognized your claim, correct, and
25 started paying you benefits?

1 A They recognized the claim, but I didn't receive any paid
2 benefits until after I had surgery July of 2019.

3 Q So at that point in time, they started paying you benefits
4 that included wage loss, correct?

5 A In July of 2019, correct.

6 Q Okay. All right. Did you ultimately -- well, when you
7 made that claim, did you disclose the income you were
8 receiving from Alaska Airlines?

9 A Yes.

10 Q Did you disclose the income you were receiving from DSHS?

11 A Yes.

12 Q Okay. And did you ultimately in February receive a
13 notification from the Department of Labor & Industries that
14 you had an overpayment for a time loss compensation
15 obligation in the amount of \$43,527.82?

16 A February of 2021, correct, somewhere roughly around there.

17 Q Obviously that was not well-received news, correct?

18 A Correct.

19 Q Do you still owe the Department of Labor & Industries or
20 the State of Washington in overpaid benefits?

21 A Not 43,000.

22 Q Is that because you have paid some of that off?

23 A No, it is because they have reduced it several times.

24 Q So you have been in negotiations with the State of
25 Washington to reduce that amount, correct?

1 A It is under appeal for the entire amount.

2 Q Okay. So the only entity that can reduce that amount is
3 the State of Washington, correct?

4 A Not sure.

5 Q You don't understand how the process works?

6 A I am not sure if another entity can change that amount.

7 Q It is a state benefit, correct?

8 A Correct.

9 Q It's not under the federal system, correct?

10 A Correct.

11 Q Do you have a lawyer representing you in that process?

12 A No.

13 Q So you are filing the appeal and handling it on your own,
14 correct?

15 A Correct.

16 Q The basis for the Department assessing you that amount of
17 money you owe the State was the misrepresentation, correct?

18 A Innocent misrepresentation, meaning it was an oversight,
19 but nothing intentional on their part.

20 Q Sure. The innocent misrepresentation was on your part;
21 you didn't know that you needed to disclose all those
22 benefits?

23 A Incorrect. They have always known, and documented that
24 they have always known.

25 Q So they just didn't catch it. They didn't apply it

1 correctly to the amount they paid you, correct?

2 A Whoever did the investigation, never had a conversation.
3 I'm not an L&I worker, so I have no clue how they came to
4 that determination.

5 Q One of the things you are appealing is that since it's not
6 your fault, you would like them to take accountability for
7 their error and not make you pay back those benefits,
8 correct?

9 A It was never an innocent misrepresentation because it
10 never occurred. I disclosed all income at the time. It was
11 always documented, so it was never not disclosed for it to
12 have an innocent misrepresentation of an income that always
13 existed and they were aware of.

14 Q So it's the innocent misrepresentation that really
15 troubles you, a finding like that hurts your reputation,
16 correct?

17 A Innocent means you did nothing wrong. So there is no
18 legal recourse for that. They can't do anything to me for
19 that one.

20 Q Okay. I just wanted to understand. Are you asking for
21 that finding to be reversed or not?

22 A For the entire thing to be reversed.

23 Q The idea of innocent misrepresentation and that finding
24 and the amount owed was information that GEO learned,
25 correct?

1 A Well, everybody that is notified of the overpayment.

2 Q That included GEO, correct?

3 A I believe so.

4 Q You actually had a conversation with the facility
5 administrator, Bruce Scott, over that, correct?

6 A Correct.

7 Q In your conversations with Mr. Scott, you explained to him
8 it occurred, right -- let me step back a moment. Did
9 Mr. Scott ask you about it, or had you already disclosed it
10 to GEO when you found out about the finding?

11 A GEO already knew about it because they would have received
12 information at the same time I did.

13 Q Okay. And then you had a conversation with Mr. Scott
14 about that, correct?

15 A No.

16 Q I am missing something here in the chain of events. So
17 you receive a notification and GEO receives a notification
18 that there is a finding of an innocent misrepresentation by
19 you and that you owe money to the State. Did you learn that
20 GEO had an obligation to do something with that information?

21 A The day that I was notified of termination.

22 Q Who notified you that GEO had a duty to do something with
23 that finding by the Department?

24 A Bruce Scott, the facility administrator.

25 Q So you did have a conversation with the facility

1 administrator, Bruce Scott, over the finding, correct?

2 A It wasn't a conversation. He just said he notified me
3 that they were required to notify immigration.

4 Q ICE?

5 A Correct.

6 Q Okay. And did he explain --

7 THE COURT: Excuse me. Excuse me, counsel. It is
8 time we took a break. We'll take ten minutes, folks.

9 (Recessed.)

10 THE COURT: Okay. You can bring everybody back.

11 THE CLERK: Can I make sure our court reporter,
12 Angela, is here?

13 COURT REPORTER: I am here. Thank you, Tyler.

14 (The following occurred in the presence of the jury.)

15 THE CLERK: We are ready to continue.

16 THE COURT: All right. You may continue, Ms. Mell.

17 MS. MELL: Thank you, Your Honor.

18 BY MS. MELL:

19 Q Ms. Singleton, is it correct that the issues that you were
20 having with the Department of Labor & Industries over the
21 innocent misrepresentation issue ultimately led to ICE or the
22 government withdrawing your governmental clearance?

23 A That, I don't know. Is that why I was terminated?

24 Q Are you --

25 A Never told me anything. I have not received anything in

1 writing formal. I received my payout for vacation. I
2 received zero from them. All they tell me is they can't tell
3 me anything.

4 Q Is it your testimony today that no one from GEO
5 communicated to you that ICE had revoked your governmental
6 clearance after Mr. Scott informed them of the findings by
7 the Department of Labor & Industries?

8 A Bruce Scott told me ICE pulled my clearance. He didn't
9 say why. I asked him why, and he specifically said he
10 doesn't know.

11 Q Is it correct that Bruce Scott may not know the precise
12 reasons, but it was because they don't necessarily tell that
13 to him?

14 MS. CHIEN: Objection, foundation. She is not going
15 to know what Bruce Scott --

16 THE COURT: Sustained.

17 BY MS. MELL:

18 Q Was that conversation with Mr. Scott where he said that
19 they revoked your clearance in close proximity and at the
20 time after which he had told you he needed to inform ICE of
21 your findings of misrepresentation?

22 A No.

23 Q It was not?

24 A No. The conversation -- I was cleared to come back to
25 work. I was supposed to come back to work on April 5th.

1 Q So you were supposed to come back to work on April 5th.
2 When did Mr. Scott tell you he was communicating to ICE the
3 findings of the State against you?

4 A He never told me he was communicating anything to ICE
5 regarding the findings of anything.

6 Q It is my understanding that your prior testimony was that
7 he did tell you that he had to report to ICE?

8 A That was during the conversation of after when I was
9 terminated when I was asking him why they would pull the
10 clearance when I have done nothing criminal. I have done
11 nothing that is considered unlawful or anything that would
12 violate the terms of the contract.

13 Q In that conversation, he told you he had to talk to ICE
14 and disclose the findings. And after that conversation, he
15 got back to you and said ICE had pulled your clearance,
16 correct?

17 A No, this was all at the same time. I never talked to
18 Bruce Scott after that day.

19 Q Okay.

20 A He just said passingly, well, I did have to report -- or,
21 we did have to report that information, the information of --
22 from L&I to immigration. I asked him, based on what? He
23 didn't provide me any information.

24 Q Okay. Did someone at some point communicate to you ICE
25 had pulled your clearance?

1 A No, I actually sent them an email and asked ICE why I was
2 terminated or if my clearance was pulled. They responded
3 with, "You need to speak to GEO's human resources."

4 Q Did you speak to GEO resources and learn that information?

5 A She never said anything, human resources.

6 Q You called her?

7 A Yep.

8 Q You asked her, "Did ICE revoke my clearance?"

9 A She said, "I need to speak to Bruce Scott."

10 Q And then nobody got back to you?

11 A Correct.

12 Q You have never heard?

13 A I have never received anything in writing.

14 Q Have you heard by phone or other form of communication
15 that ICE revoked your clearance?

16 A That's what Bruce said when I talked to him on April 9th.

17 Q Without your government clearance, you can't work at the
18 Northwest ICE Processing Center, correct?

19 A According to Bruce.

20 Q Do you understand that to be the case?

21 A As far as I'm aware, yes.

22 Q With regard to the voluntary work program and your job
23 duties, is it correct that over the voluntary work program,
24 when you were a classification officer for GEO, it was your
25 duty to comply with the requirements of the ICE PBNDS

1 standards?

2 A I'm not sure what that would have been. When I got hired,
3 I wasn't hired by ICE. It was a different process at that
4 time.

5 Q Over the years, is it correct that your job
6 responsibilities over the voluntary work program when you
7 were the classification officer for GEO was to comply with
8 the requirements of the ICE PBNDS standards?

9 A Yes.

10 Q Have you said before that everything that I do for that
11 job is in compliance with the ICE PBNDS standards?

12 A GEO policies and procedures.

13 Q So you have never before said, under oath, that everything
14 that I do for that job is in compliance with ICE PBNDS
15 standards?

16 A Probably because that's what they mirror, GEO mirrors
17 ICE's PBNDS standards.

18 Q So you would agree that you have represented that the job
19 is in compliance with ICE PBNDS?

20 A Correct.

21 Q So previously you testified that the voluntary work
22 program under ICE PBNDS standards were not mandatory; is that
23 correct?

24 A Not that I was aware of, that they were mandatory, or the
25 specifics of what, you know, we had being done in it. That's

1 what I am aware of.

2 Q Okay. You suggested, I think, in your response to one of
3 the questions that GEO was actually electing to operate the
4 voluntary work program because it wanted detainees to do the
5 cleaning; isn't that correct?

6 A Well, that's more specific to how the program is run or
7 how many jobs or where and the necessity for the amount of
8 workers.

9 Q You didn't mean to suggest GEO's motivation for the
10 voluntary work program was having detainees do the work?

11 A I didn't mean to suggest that it was? The voluntary work
12 program says we have to have one. GEO determines what that
13 entails.

14 Q Is it your testimony today that the PBNDS standards
15 require detainees have the opportunity to participate in a
16 voluntary work program?

17 A Yes, we were required to have an opportunity.

18 Q Okay. With regard to your position for GEO, one of the
19 things you did related to the voluntary work program was
20 prepare a list of eligible detainees who requested to
21 participate in the voluntary work program, correct?

22 A Yes.

23 Q Another thing that took your time was assigning detainees
24 to specific jobs within the VWP, correct?

25 A Correct.

1 Q You supplied those lists to the detention officers
2 responsible for overseeing those jobs, correct?

3 A Wherever the area of responsibility was.

4 Q You made sure that you had all the documentation in order
5 on the VWPs to ensure audit compliance, correct?

6 A That is correct.

7 Q During your tenure, you had no audit findings against the
8 voluntary work program and the activities that you oversaw
9 relative to the voluntary work program, correct?

10 A Not that I can recall.

11 Q Okay. So can you agree that a large percentage of your
12 time, or at least 50 percent of your time was dedicated to
13 processing and handling the VWP paperwork and program so that
14 you met audit compliance?

15 A Not necessarily 50 percent, but a good portion.

16 Q It was a good portion?

17 A Correct.

18 Q If the voluntary work program did not exist, there would
19 be a good portion of your time available to take on tasks
20 that were otherwise dedicated to the voluntary work program,
21 correct?

22 A Not necessarily because my main collateral -- my main duty
23 was the classification program, which could easily take up
24 all that time as well.

25 Q As a classification officer, you would be required to do

1 detention officer work like overtime as needed, correct?

2 A No, classification, that was an interview position, an
3 administrative position, that's why I got to attend
4 department head meetings.

5 Q In the classification unit in that position, you still had
6 overtime requirements, if you were needed, correct?

7 A Overtime if it was for classification.

8 Q So it was your understanding that you could limit your
9 work to just classification officer duties and not do
10 detention officer duties?

11 A Such as like I haven't worked in a unit or anything. I am
12 not sure what you are asking.

13 Q Well, I understood that where you were injured was
14 actually in defensive tactics training, correct?

15 A Correct.

16 Q You were required to take defensive tactics training
17 because you worked at the Northwest ICE Processing Center as
18 a classification officer whose duties included making the
19 facility safe and secure?

20 A I believe I was actually required to. That is one of the
21 questions I was posing to administration prior to coming
22 back. I have not always done that since I had my job.

23 Q Did you comment to administration, in order to get out of
24 defensive tactics training, you needed to get injured like
25 everybody else?

1 A Not that I can recall. If it is a requirement, I have to
2 do it.

3 MS. MELL: I have nothing further. Thank you,
4 Ms. Singleton.

5 MS. CHIEN: Your Honor, am I allowed to start?

6 THE COURT: Yes.

7 REDIRECT EXAMINATION

8 BY MS. CHIEN:

9 Q Ms. Singleton, we spent a lot of time talking about from
10 Ms. Mell asking about your Alaska Airlines job. Is your
11 Alaska Airlines job a physical job?

12 A No.

13 Q You could do it from home?

14 A Yep, I work from home on a computer, which is why it was
15 never a job not allowed to be done under L&I because it is a
16 GEO requirement that prevented me from returning there.

17 Q GEO's requirement that you had to be physically -- be able
18 to do defensive tactics training is the reason why you
19 couldn't work at GEO with an injury; is that right?

20 A Correct.

21 Q Okay. Now, I don't really want to spend that much time on
22 this. Ms. Mell has asked you about your Alaska Airlines job.
23 I think your surgery, you are still recovering from, and your
24 disabled daughter; is that right?

25 A Correct.

1 Q Does that have anything to do with the voluntary work
2 program?

3 A No.

4 Q Nothing to do with the voluntary work program that you
5 managed for 15 years; is that right?

6 A Correct.

7 Q Has anyone offered you from the State of Washington money
8 in exchange for your testimony today?

9 A No.

10 Q Has anyone offered to fix your L&I case in exchange for
11 your testimony today?

12 A I never had a conversation with anybody other than L&I
13 about my L&I case.

14 Q So why was there a change in your -- the amount you owed
15 L&I?

16 A Because I followed their appeal options, doing a request
17 and reconsideration to the Department of Labor & Industries.
18 The person who issued the overpayment notice reviewed it and
19 reduced it on several occasions.

20 Q Thank you. I would like to return to what this case is
21 about, which is about the work program at the Northwest
22 Detention Center. I just have some questions. You managed
23 the work rosters, right, for the kitchen?

24 A Right.

25 Q You earlier testified you would schedule about 33 detainee

1 workers on the work rosters; is that right?

2 A Correct.

3 Q Were there times when there was not enough detainee
4 workers in the kitchen?

5 A Yes.

6 Q Would that happen often, sometimes there was not enough
7 detainee workers in the kitchen?

8 A At certain periods, yes, it would be a pretty regular
9 issue.

10 Q What would happen? How would you -- how would
11 Ms. Henderson, who I understand to be the head of the food
12 service department, respond to the lack of detainee workers?

13 A So it would vary.

14 MS. MELL: Wait. Wait, wait. Your Honor, I'm sorry.
15 My mic was off. I am objecting as outside the scope of
16 cross.

17 THE COURT: Overruled.

18 THE WITNESS: There were times when they would --
19 they would incentivize it by giving them either additional
20 food, candy, sometimes a sheet, and who was the captain at
21 the time Portillio, they would go into the living units
22 individually to talk to the detainees to solicit workers to
23 submit requests so we can get them medically cleared to go to
24 work so we can get enough workers.

25

1 BY MS. CHIEN:

2 Q Ms. Henderson, and I think you said Portillio, is that the
3 name?

4 A Correct.

5 Q Is Portillio a captain?

6 A He was a captain. I think he was then. I don't know what
7 his position is now. I think he got promoted to major, but
8 yeah, captain at the time.

9 Q Is he a GEO staffer?

10 A Yes, everybody is a GEO staffer that dealt with it.

11 Q Ms. Henderson and Mr. Portillio, GEO staffers, would go to
12 the living units when there weren't enough detainee workers
13 in the kitchen to solicit for more detainee workers; is that
14 right?

15 A That is correct.

16 Q They would go to the living units to recruit for more
17 workers; is that right?

18 A Physically, yes.

19 MS. CHIEN: I have no further questions.

20 THE COURT: Thank you, Ms. Singleton. You may be
21 excused. You may call your next witness.

22 MS. CHIEN: Your Honor, could I have a moment to --
23 just one minute to confer with the class plaintiffs?

24 THE COURT: Sure. We will be at ease for a minute.

25 MS. CHIEN: Thank you, Your Honor.

1 THE COURT: Ready to call your next witness?

2 MS. CHIEN: Class counsel will call the next witness,
3 actually.

4 MR. WHITEHEAD: We would like to call Erwin De La
5 Cruz.

6 THE COURT: Tyler, do you have the witness?

7 THE CLERK: No, I don't.

8 MR. WHITEHEAD: I believe we have the witness now.

9 THE COURT: I see the witness. Juror No. 1 is trying
10 to get her mute button.

11 THE CLERK: I know what the issue is. I need a
12 second to figure it out.

13 We are good.

14 THE COURT: Mr. De La Cruz, will you raise your right
15 hand and be sworn, please.

16 ERWIN DE LA CRUZ,
17 having been sworn under oath, testified as follows:

18 THE COURT: Thank you. You may inquire,
19 Mr. Whitehead.

20 DIRECT EXAMINATION

21 BY MR. WHITEHEAD:

22 Q Good morning, Mr. De La Cruz.

23 A Good morning.

24 Q Who is your current employer?

25 A GEO Group.

1 Q Your current job title?

2 MS. MELL: Your Honor, just a minute. I'm sorry to
3 interrupt. We have a technical concern with the thumbnail.
4 Your Honor was concerned that Mr. Silverman was referred to
5 as Joan Mell. I believe he still is. We need a moment to
6 change it to "Mr. Silverman" in the thumbnail. Unless you
7 want to proceed with it saying "Joan Mell."

8 THE COURT: Doesn't matter to me.

9 MS. MELL: Okay. All right. We'll keep going.
10 Sorry to interrupt.

11 THE COURT: All right.

12 BY MR. WHITEHEAD:

13 Q Mr. De La Cruz, you were telling us GEO is your current
14 employer. My next question is: Could you tell us your job
15 title?

16 A I am the assistant food production manager at the
17 Northwest Processing Center.

18 Q I understand the kitchen position at the Northwest
19 Detention Center prepares thousands of meals each week; is
20 that right?

21 A Correct.

22 Q Will you answer my questions today about how the GEO
23 kitchen is able to prepare so many meals?

24 A We have a planned menu plan that is approximately five
25 weeks long. Preparation is extremely important to make sure

1 that the whole day of the next meals are prepped, and then
2 any other parts of the meal that has to be cooked for that
3 day is already either pulled or planned for that day.

4 Q Before we jump into the weeds of the kitchen operations,
5 let's back up a step. Can you tell us when you started
6 working for GEO?

7 A In July of 2015.

8 Q Okay. The role that you were hired into, is it the same
9 role that you hold today?

10 A Correct.

11 Q We just heard testimony from Ms. Henderson yesterday and
12 this morning. Tell us, what is your role in relation to
13 hers?

14 A My role is mainly sanitation, bringing in rations that are
15 coming in, putting them away, the overlook of making sure
16 that the time to start and the time to end is all -- as far
17 as serving the trays, making sure that the count cleared, and
18 a lot of times it is also the accountability of rations that
19 are going on, or that we are using and preparing for the day.

20 Q You have a military background; is that right?

21 A Yes, sir.

22 Q I hear you using the term "rations." Can you tell us what
23 you mean by "rations"?

24 A Rations would be the food that has been required at our
25 vendors and that's the food that has been brought in.

1 Q Ms. Henderson, she's your boss; is that right?

2 A Yes, sir.

3 Q Essentially, your role is to assist with the overall
4 kitchen operations?

5 A Correct, day-to-day operations that happen throughout the
6 day.

7 Q All right. So you started into this, but if you could
8 tell us, what does that mean? Give us an overview of what
9 your duties are in the kitchen.

10 A I usually arrive, my time is on Mondays, Tuesdays and
11 Wednesdays. They're mostly closeouts, so they are like
12 1:00 -- between one and nine on Monday, Tuesday and
13 Wednesdays. I work Saturday and Sundays. I usually cover a
14 nine to five or eight to four shift. I work all the holidays
15 on Mondays, of course, because I work a Saturday, Sunday,
16 Monday, Tuesday, into Wednesday. My normal days off are
17 Thursdays and Fridays. There is accountability with the food
18 that they draw for the day, so I make sure all the pick lists
19 are in because I do have to -- in Attico, I have to put in
20 all this information to keep up with our account on a weekly
21 basis. I catch up on Saturdays and Sundays. I do four hours
22 of kind of like sanitation around the area, putting away
23 rations. And then I try to split it with the administration
24 portion because we don't have -- there is no clerk, so I do
25 some of the clerk work and I do administrative work, that

1 closeout for Sundays, first closeout, which would be the
2 first week of accountability of everything that we use
3 throughout the week.

4 Then on Monday we have a GEO weekly report that is due.
5 And then I will close that out because it is usually after
6 the dinner meal of Monday night. Then I put that in and
7 close that week out, and then on Tuesday and Wednesdays, if
8 rations role in, sometimes 30 pallets of food will show up,
9 sometimes ten, just depending on what vendors we had for the
10 week and what food is being brought in for the week.

11 Q Before we get to the nitty-gritty, I want to take a step
12 back as it relates to the detainee workers. Can you give us
13 broad categories of what your work entails when it comes to
14 the detainee workers?

15 A The detainee workers, they have a -- it depends what
16 shift, if they are there or not, because sometimes like the
17 lunchtime, the shift is from ten to about three. I will come
18 in at one so I have a very minimum time to pull rations
19 through the corridors, and then as soon as I get them in
20 there, then we can start downloading the rations, and I will
21 maybe be assigned two detainees to help me offload. It is
22 mostly the labor portion of disseminating the rations between
23 refrigeration, dry storage and frozen. We try to knock out
24 the frozen and the refrigerated items first because the
25 trucks can come in at seven, could come in at nine, sometimes

1 as late as 2:00. It is a timely matter to pull them in as
2 fast as possible.

3 Q The detainee workers help you in that respect?

4 A I'll be assigned maybe about two, and then at 3:00 they
5 would leave because the next shift will come in. But I have
6 to wait an hour. But in that waiting time, I will pull more
7 rations through the corridor so we can be ready for the next
8 iteration. I am usually doing it by myself or unless if
9 there is a pallet jack is still operating on the dock, they
10 will help bring it in to the dock and then I have to pallet
11 jack it through the next corridor to bring it into the
12 facility.

13 Q Well, how about this: I am just speaking in broad terms
14 here, would you agree with me that part of your job as the
15 assistant food production manager is to direct the work
16 performed by the detainee workers?

17 A I will direct and show them what to do --

18 Q Okay.

19 A -- in the areas because they are broken down into groups
20 to better efficiently help in this situation.

21 Q All right. That touches on one of your other main
22 responsibilities when it comes to the detainee workers. You
23 also provide training for the work performed by the detainee
24 workers, correct?

25 A Yes, I'll teach them what needs to be done, if -- to off

1 load or to put up rations, with dates, date and label rations
2 that are coming in.

3 Q Again, just speaking broadly about your duties and
4 responsibilities when it comes to the detainee workers, it
5 also includes inspecting the work performed by the detainee
6 workers, correct?

7 A I would have to go back. We are always supervising, so we
8 try to make the corrections as we go. If a detainee
9 understands it, then it is great. Because there is sometimes
10 language barriers between, you know, English and Spanish or
11 even Chinese because we never know who you might -- who the
12 detainee might be.

13 Q Okay. Well, let's take a look and bring up a document for
14 you to look at here. I take it you have a job description;
15 is that right?

16 A Yes, sir.

17 Q Let's pull up Exhibit 300. Previously, our office sent to
18 you a packet of documents?

19 A Correct.

20 Q You should have a Tab 300.

21 MR. WHITEHEAD: Your Honor, Exhibit 300 has been
22 stipulated as admissible and authentic. I would move or
23 offer Exhibit 300 into evidence now.

24 MR. SILVERMAN: No objection, Your Honor.

25 THE COURT: 300 may be admitted.

1 (Exhibit 300 was admitted.)

2 BY MR. WHITEHEAD:

3 Q We are pulling up Exhibit 300 now. You would agree with
4 me that Exhibit 300 is an accurate statement of your job
5 duties and responsibilities?

6 A Yes, there should have been a second page. But that's the
7 cover letter.

8 Q There actually is a second page. So let's look at that.
9 It is tiny, maybe we can blow it up.

10 A You are fine. I can read it.

11 Q Maybe for those sitting in the cheap seats maybe we will
12 blow it up a little bit so we can all see. I want to look
13 at, what is it, the fourth bullet from the bottom there in
14 that first section. It reads -- starts with, "Directs work,
15 provides training and performs inspections of work performed
16 by detainee food service staff"?

17 A Correct.

18 Q Tell me the way you direct the detainee work in the
19 kitchen.

20 A It does cover a vast amount of training, sanitation of the
21 kitchen, making sure the floors, the tables, the trays get
22 promptly washed, that is even in the pot and pan area.
23 Dishwasher use, trays received from the pods after the
24 service is over. All the trays are cleaned off, and then
25 they are sent through the dishwasher. Then they have to be

1 set up to be air dried in racks that are provided. Of
2 course, anything that is coming off the serving line will
3 come into the pot and pan area, get washed, you know, in a
4 pot and pan area, and then run through the dishwasher to be
5 cleaned and sanitized. The other --

6 Q Not to cut you off. The work you just described, this is
7 work performed by detainee workers?

8 A Yes, we are also helping them, showing them how to do it
9 properly. Then it is the same way as in the serving area,
10 too, after we get the serving area set up. Putting hot
11 water, closing valves, turning on equipment to maintain the
12 140 degree for hot and maintaining the 40 degrees and below
13 for the chill, like salads and stuff like that.

14 Then, of course, the start of the line, making sure that
15 the tables are stayed wiped down and sanitized, the floor is
16 swept constantly, mopped, empty the trash. All these areas
17 have to be constantly kept up with, and it does -- you
18 supervise them and, hey, make sure every ten, 15 minutes
19 check the trash can, make sure it is emptied or it is
20 covered. A lot of times they will leave the covers over and
21 make sure everything is covered. The same as the warmers,
22 are they full, do they keep up with temperature. And then of
23 course, the back, the prepping area.

24 So even though the kitchen might be small, but it is very,
25 very productive. Even in the prepping area, are they

1 watching the steam kettles, washing them out, cleaning them,
2 sanitizing them for the next product that needs to be put in.
3 Again, the tables, keeping raw meat items away from salad
4 items.

5 Also, in the ration room is sweeping out the ration room,
6 refrigerators being swept and mopped constantly throughout
7 the day.

8 Q Again, this is work done by the detainee workers, correct?

9 A Provided by the detainees and is supervised by the
10 officers.

11 Q Got it. All right. I think we can pull Exhibit 300 down.
12 Thank you.

13 All right. So as I understand it, GEO serves three
14 meals a day, do I have that right?

15 A Yes, they do, sir.

16 Q I probably should have asked this at the outset, the
17 detainees, the folks that are there, are they held as
18 punishment?

19 A No.

20 Q Not like a criminal thing being held at the Northwest
21 Detention Center, as far as you understand it?

22 A That's -- no, not at all.

23 Q All right. So give us a sense of the number of meals that
24 the kitchen pumps out each week? What would you say on
25 average?

1 A We are doing -- if we are doing over 1,000, so it is
2 3,000, so you are talking probably almost seven -- 6,000
3 meals up into maybe close to 10,000 meals a week. If we were
4 at 1500, of course, we would be higher. It is just the
5 amount of trays and amount of food that goes through,
6 depending on how many detainees are at the facility, and as
7 the numbers drop, of course, the amount of food goes down
8 and, of course, the amount of labor goes down as well.

9 Q Right now as I understand it, it is at a bit of a low
10 point. The numbers are down in terms of the detainee
11 population; is that right?

12 A That's correct, that's because of the COVID.

13 Q I have seen numbers much higher in terms of the number of
14 meals made each week, right? I mean, there have been times
15 where it exceeds 10,000 meals a week by a factor of three?

16 A Yes. Because it was just fully ramped up at the time.

17 Q Well, let's take a look at another exhibit. Actually, we
18 are not going to pull this one up on the screen yet but this
19 one is in your packet. Take a look at Exhibit 303, please.

20 A The food cost summary.

21 Q That's what it is. Is that your name printed sort of on
22 the left-hand side of the document?

23 A It is.

24 Q The signature there, is it your signature?

25 A That's Ms. Henderson's signature.

1 Q Ms. Henderson, she's the one that would have knowledge
2 about the information that is contained on this report; is
3 that fair to say?

4 A Yes, sir.

5 Q The information that we see here on Exhibit 303, this is
6 something that GEO tracked on a regular basis, do I have that
7 right?

8 A Yes, this is the monthly. When I said "weekly report,"
9 this is part of that once-a-week report.

10 Q In fact, with these reports, if Ms. Henderson wasn't
11 around, I mean, you know, this is a report that you would
12 sign, do I have that right?

13 A Correct.

14 MR. WHITEHEAD: Your Honor, at this time we offer
15 Exhibit 303 into evidence.

16 MR. SILVERMAN: No objection, Your Honor.

17 THE COURT: It may be admitted.

18 (Exhibit 303 was admitted.)

19 MR. WHITEHEAD: I was going to ask if we can publish.

20 THE COURT: Yes.

21 MR. WHITEHEAD: Bring up Exhibit 303, please.

22 BY MR. WHITEHEAD:

23 Q We have a report here, it has a number of columns and a
24 number of rows. I want to take a look at -- let's see, I
25 want to look at the fourth column there. Maybe we can do the

1 whole block, 2015, get the fourth row week all the way over
2 to the total meals. There we go. This section in
3 particular, looking at the last column there, shows total
4 meals. What does "total meals" mean?

5 A For that week, 34,000 detainees, 424 staff, which would
6 have been 34,440 total.

7 Q So that fourth column there, the "total meals" column,
8 that's the total number of meals the kitchen pumped out that
9 week?

10 A From the 1st to the 7th.

11 THE COURT: Counsel, on my screen, that fourth column
12 is blocked.

13 MR. WHITEHEAD: It sure is. Let see, maybe we can
14 make it smaller.

15 BY MR. WHITEHEAD:

16 Q While we are doing that, Mr. De La Cruz, you have the hard
17 copy there in front of you. I have a question for you.
18 Looking at that fourth week in the month there, how many
19 meals then were produced that week of December 22nd through
20 December 31 in 2015?

21 A This particular week, you can only go -- let me go a
22 little further back because the weekly could be for seven
23 days, and can be for ten days. So this particular fourth
24 week, 12 to 22nd to the 31st is the ten-day week schedule.
25 So it's going to add in an extra three more days of service

1 to make the ten days. So when you add the ten to the other
2 three, it comes out to 31. Might be a five-day issue in
3 there, because to make the whole 31 days. Because of that,
4 that's why that number is at 44,000.

5 Q So accounting for this one being a ten-day week, then your
6 expectation that perhaps it would be a little bit more in
7 line with the previous weeks then, so maybe not 45,000, but,
8 you know, 30,000 plus?

9 A It probably would have been about 33, 32 for that week,
10 right.

11 Q Still a lot of meals, right?

12 A Yes.

13 Q All right. Let's clear off the blow up. I want to keep
14 looking at this Exhibit 303. Another column. It is towards
15 the middle. It is titled "raw tray," if we can get a call
16 out on the raw tray column.

17 A Yes.

18 Q What does this mean?

19 A The raw tray is basically how much we spent for, let's say
20 for the average for that week per tray. I think it was
21 \$1.10, I think was our -- I can't remember what the
22 weekly -- or the -- what it was for that -- like a dollar a
23 tray. But this was like 90 cents a tray, a \$1.01 a tray that
24 we had spent for the week, and how much it would equate to
25 for the amount of money we had spent for that week based on

1 the head count.

2 Q So then each tray, then, this would be the raw cost to
3 produce a single tray of a detainee meal; is that right?

4 A Yes, it is, sir.

5 Q This is just a snapshot in time, of course. We see
6 figures ranging from 90 cents to a buck 01 to 92 cents and so
7 on; is that right?

8 A Yes.

9 Q Was there a goal or target amount for how much a tray
10 should cost?

11 A No, not at all. Because Christmas meals, it just happened
12 that December 22nd through the 31st, Christmas was involved
13 and, of course, that just adds to the cost. It is not -- it
14 is not really a guiding factor. It is just how the meals are
15 planned because at the time we were using a six-week menu
16 cycle. It had no bearing on what -- because it would just
17 happen if you followed it to the tee, you would be okay, you
18 can hit these targets.

19 Q Certainly there was a budget, correct, on how much could
20 be spent on detainee meals?

21 A Sure. If you look further down, you see the monthly, it
22 will say the raw tray is a dollar.

23 Q There is a number then you would try not to blow past in
24 plating meals?

25 A Again, it really doesn't play any factor. If we cooked an

1 extra case of vegetables, I mean, it is not -- if we needed
2 it, we needed it. We are going to serve the tray at a
3 full -- the full tray amount no matter what, if it costs more
4 or not. We still -- the goal would be to make sure all the
5 trays were full.

6 Q At a dollar a tray, this is not steak and lobster meals we
7 are talking about; is that right?

8 A No.

9 Q Well, let see. I think we can clear off this Exhibit 303.
10 I want to talk to you about the kitchen staff composition.
11 There are 13 employees in the kitchen. Do I have that right?

12 A Yes, sir.

13 Q Two of those, of the 13, they are managers; is that right?

14 A Yes.

15 Q One is you and the other is Ms. Henderson?

16 A Yes.

17 Q Then there are ten cook supervisors. Do I have that
18 right?

19 A Yes.

20 Q Plus one clerk?

21 A Yes.

22 Q So that's the 13. Looking at the cook supervisors, there
23 are three cook supervisors on each shift; is that right?

24 A Correct.

25 Q And of the three, there are only two that are doing the

1 actual food prep and service; is that right?

2 A Yes.

3 Q That's because the third person is what is called a desk
4 officer; is that right?

5 A Yes.

6 Q So with only two GEO staffers on each shift, actually,
7 prepping and serving the meals, how is it that GEO is able to
8 keep up with the demand for 30, 40,000 meals a week?

9 A We manage it like we normally do every day. With the
10 detainees, if not detainees, we could also use service staff
11 or clerks from other branches. If -- if we need them, we can
12 ask for them and then -- it is really the management who
13 would execute and say, hey, do you need more people? Yes, we
14 do. Because there is always things happening in a facility
15 like this. Could be an IMS within the facility. Detainees
16 weren't able to come in. No detainees were booking out. It
17 is always -- it is a constant -- it is an evolving chair
18 (sic). You may, you may not, get any. You just keep driving
19 on.

20 Q I certainly understand that aspect of your testimony. But
21 it would seem to me that in trying to keep up with 30, 40,000
22 meals a week, the detainee workers are a big part of the
23 answer, would you agree?

24 A They are a part of the answer, but not the sole surviving
25 of the facility.

1 Q You need people to help you in the kitchen, correct?

2 A Sure. Everybody needs help.

3 Q The detainee workers are there, correct?

4 A Yes.

5 Q You are more than happy to take them in and use them in
6 the kitchen?

7 A Of course.

8 Q They help you accomplish the mission in the kitchen
9 operation; is that right?

10 A Yes.

11 Q They help you serve the food in a timely manner?

12 A Yes, they do.

13 Q They help you to clean up after the fact?

14 A Yes.

15 Q So in terms of the chain of command then, as I understand
16 the kitchen, there is Ms. Henderson at the top?

17 A Yes.

18 Q There is you as the assistant?

19 A Yes.

20 Q The cook supervisors?

21 A Yes.

22 Q Then the detainee workers are on the bottom rung, then?

23 A Yes.

24 Q We have touched on this earlier. I think I would like
25 maybe a little bit more detail. The fact that GEO provides

1 training to the detainee workers on how to do their jobs in
2 the kitchen, do I have that right?

3 A It is an on-the-job training format. If a detainee
4 understands how to do the job, fine, because we break them
5 down into three groups. If he can prep, follow instructions,
6 then he can stay in that group a little bit longer. If he
7 doesn't, we always can move them to either the pot and pan
8 area or on the serving line to use him, to utilize him still
9 instead of dismissing him because it is just a job
10 opportunity to be working in the area anyway.

11 Q There is a whole orientation that GEO provides to new
12 kitchen detainee workers; is that right?

13 A Yes, we do, sir.

14 Q Tell us about the orientation that GEO provides to the new
15 kitchen workers.

16 A We have a packet either in English or in Spanish, if he
17 decides to go with the Spanish written orientation book. We
18 will go over it with them. The officer, the desk officer,
19 will sign off on all the pages pertaining to that
20 orientation. Again, it is on-the-job training, so once he is
21 finished with the packet, this is just to familiarize where,
22 what he might be doing, but not exactly what he will be
23 doing, because he could be -- some of them quit on the first
24 day anyway, or the second day. It is always a revolving
25 amount of people that come in.

1 Once he gets on board, everything is fine, he goes and
2 works the day, and any problems, no problems, he understood
3 what we was explaining to him. Of course, he will be in that
4 section longer to help out. It works out.

5 Q Well, talk to us a little bit about the orientation. What
6 sorts of things are covered in the orientation that GEO
7 provides?

8 A In the orientation, it's mainly a flip-through of turning
9 on and turning off equipment. We don't use any knives so --
10 or anything in that nature, but there is hand cutters, like
11 dough cutters, equipment that we -- how to turn off and on
12 the mixer, the ovens. It just only gives you a brief
13 description, and then when we actually show them how to do
14 it, then, you know, you have to do that crawl, walk and run
15 phase. And then when he understands it, then we are fine.

16 Q So the orientation, is this GEO covering all of the things
17 that are important for the detainees to know at the outset of
18 the job?

19 A No, it is more of the sanitation portion that really is
20 the key to, you know, clean after -- keeping the area clean
21 is a must. This is really the emphasis in the kitchen,
22 tables to cleaning out equipment, making sure the dry storage
23 is swept, swept and mopped. Even in the kitchen itself being
24 swept and mopped, especially after the serving of the meals
25 and that kind of -- really helps out in that situation.

1 Q This is a silly question maybe. I'll ask it anyway. Tell
2 me why sanitation is important in the kitchen, the hygiene
3 standards you are talking about?

4 A This is an institutional facility, so one thing that can
5 go wrong is if there was a food-borne illness that broke out,
6 of course, it has to come in or come out somewhere. These
7 are just eliminating factors. If you keep the kitchen clean,
8 it will eliminate these factors, because it is very -- in an
9 institutional facility, you can't just get one sick. You
10 might get more people sick that shouldn't have gotten sick.
11 These are the things, it is just an environmental issue. It
12 has to be done and maintain the cleanliness of the kitchen.

13 Q You say institutional. Funny, I was thinking another "I"
14 word comes to mind. This strikes me as an industrial-grade
15 kitchen. Is that fair to say?

16 A It is. It is. But I was in the military and it was an
17 institutional cooking facility. Because it is all -- you are
18 cooking for a massive amount of people in a short period of
19 time. You only have an hour and a half to do it all. It is
20 not like a restaurant where you have line cooks and you are
21 cooking by portion, by table. It is not that kind of
22 cooking. You are cooking everything all at one time. You
23 must serve everything all at one time.

24 Q Let's talk more about the hygiene and the detainee safety,
25 for lack of a better way to put it, in their food handling

1 and preparing the food. What does GEO do to make sure that
2 people are hygienic and approaching the food prep and
3 handling in a safe way?

4 A Well, first of all, we have them, before they even enter
5 the kitchen to don hair nets, beard nets. It is a known fact
6 that even before you enter the facility in the cooking area.
7 After we check them in, we provide them with boots, uniforms,
8 cook white uniforms. Instead of using his pod uniform
9 colors, we provide them with the white uniforms. And then it
10 also helps because we clean all their uniforms. We provide
11 them with fresh uniforms. So after the meal is over, they
12 will put the uniforms and discard them into another -- into a
13 laundry bucket so we can take it over to laundry to get
14 washed.

15 By the time when he's done, he would have his boots on,
16 cook whites, pants and top. He would have a hair net and a
17 beard net and then wash his hands, dry them and then put on
18 gloves before he can come into the kitchen area. It does get
19 a little bit busy right in between the checking in and
20 getting this process done. Then before he goes to the
21 serving line or if he is branched out somewhere to get prep
22 done or clean up, or in the sanitation tanks, or in the
23 sanitation area. If he moves from that spot or works from
24 another spot, then, of course, he is going to wash his hands
25 again, removes gloves, wash his hand, put on fresh gloves and

1 if we go right to serving, that's what the whole uniform
2 would look like. Should have a fresh pair of gloves, uniform
3 is clean, hair net and beard net to eliminate any foreign
4 objects and, of course, raw handling of foods, because we are
5 handling so much food and serving so many trays.

6 Q Is it the case that before each detainee worker shift
7 there is a safety meeting?

8 A Yes, they'll be told that in the back, we are going to, we
9 are waiting for a count clear. If we are serving
10 something -- it could be anything. It could be we are
11 serving chicken today, we are serving -- we have vegetables,
12 salad. We let them know we are having a cold meal today for
13 lunch or for dinner. You know, make sure you, again, wash
14 your hands, glove up, and make sure all your uniform is
15 together before you walk into the kitchen.

16 Q Part of this safety meeting, I mean, it's sort of like a
17 fitness-for-duty inspection that GEO is performing each time;
18 is that right?

19 A During the in processing of their ID cards and taking down
20 their names, we have a sheet that we cover to make sure they
21 didn't have any cuts, cuts or colds or fever in that case.
22 So either he has a choice, he can go to medical and go get
23 checked out or we will put him somewhere where -- if he had a
24 cut on his finger and he has a Band-Aid, we can put him in
25 the sanitation area. We can still utilize him but not into

1 the serving or prepping area. So these are the look at, kind
2 of like a look-at in a small quick check out on his physical
3 abilities.

4 Q Well, let's take a look. I have another document I would
5 like for you to look at. It is in your book there. Let's
6 take a look at Exhibit 306. I want to ask you a few
7 questions about it before, hopefully, we can show it to
8 everyone else. Are you there, sir?

9 A Sorry. I got it.

10 Q Okay. Great. So what are you looking at there at Exhibit
11 306? Is that the detainee staff health and hygiene sheet?

12 A Yes, it is. This would be the date or -- I know it is
13 blocked off, the name of the detainee or staff and a number
14 and then again, cut, sores, cough, nose, runny nose, hand --

15 Q Hold on. Before we start reading from the document, let
16 me ask you a few more questions. This form, this is the form
17 that is completed during the safety meetings when you are
18 inspecting the workers for hygiene issues?

19 A Yes.

20 Q This is a regular part of what GEO does during each safety
21 meeting?

22 A Yes, it is, sir.

23 MR. WHITEHEAD: Your Honor, we would offer Exhibit
24 306 into evidence.

25 MR. SILVERMAN: No objection, Your Honor.

1 THE COURT: 306 may be admitted.

2 (Exhibit 306 was admitted.)

3 BY MR. WHITEHEAD:

4 Q If we could pull up Exhibit 306, please. We have Exhibit
5 306 up on the screen here. Walk us through. What are we
6 looking at?

7 A This would be the detainee staff health and hygiene. Of
8 course, the date, the name, number, then does he have any
9 cuts. The reason "sat" would be because he said that he is
10 fine, he doesn't have any cuts, he doesn't have any open
11 sores, he's not coughing, doesn't have a runny nose. His
12 hands are clean and fingernails are trimmed. You know, kind
13 of like a check of, if he had any marks. Sometimes it is the
14 language barrier, they wouldn't understand why we are doing
15 it. But this is a way to double check and make sure
16 everything is done prior to him going to work.

17 Q So what happened if one of these boxes are checked? Is it
18 that the detainee worker isn't allowed to work that day?

19 A Not necessarily. If it doesn't -- if it is covered, maybe
20 it is a small cut. He might not be able to work in the prep
21 area or in the serving area, but he could be in the
22 sanitation area. And if he chose to not work that day, then
23 he wants to go see medical, then we will let him go see
24 medical.

25 Q It is the desk officer, then, that is making this

1 assessment; is that right?

2 A Yes.

3 Q Well, I think we can take this off the screen.

4 We were talking about what happens if a detainee worker
5 doesn't pass that inspection for the health and hygiene.
6 What happens if a detainee worker doesn't do his job well?
7 Can GEO fire that worker?

8 A No, we would try to put him in -- well, depends on the
9 situation. If he doesn't want to work there again, we just
10 let him go. We would -- he would just deny work and then he
11 signs the form saying that he did not work and then he goes
12 back. But, no, we don't fire them. But if he's -- doesn't
13 want to work there, I mean, I can't force him.

14 Q I think that is true of any job, you know, you really
15 can't force anybody to do anything. My question was a little
16 different. Can GEO fire kitchen workers for doing a bad job?

17 A No, not really.

18 MR. SILVERMAN: Objection, Your Honor.

19 THE COURT: What is your objection?

20 MR. SILVERMAN: For the speech before the question.

21 THE COURT: That's a fair objection. Sustained.

22 Rephrase the question.

23 BY MR. WHITEHEAD:

24 Q Can GEO fire kitchen workers?

25 A No.

1 Q Can GEO fire detainee workers for failing to follow the
2 kitchen officer's directions?

3 A No.

4 Q Can GEO fire kitchen workers for unexcused absenteeism?

5 A No.

6 Q Can GEO fire detainee workers for misconduct?

7 A No.

8 Q What about theft?

9 A No.

10 Q Unsatisfactory work performance?

11 A No.

12 Q I want to be clear. Are you claiming that GEO is unable
13 to terminate or remove kitchen workers?

14 A If he is -- let's say he has stole something. If he was
15 caught stealing, he would not be authorized to come back in
16 the kitchen.

17 Q Okay. I just want to be clear. Other than theft, as an
18 exception you just listed for us, is it your testimony that
19 GEO can't fire detainee workers?

20 A No, they cannot.

21 Q Sir, we have met before, correct?

22 A Yes, sir.

23 Q It was in person, back when people did that sort of thing;
24 is that right?

25 A Correct.

1 Q You sat with me for a deposition, correct?

2 A Yes, sir.

3 Q You answered my questions under oath?

4 A Yes, sir.

5 Q An oath to tell the truth. Just like you took today, an
6 oath to tell the truth?

7 A Yes.

8 Q And you did tell me the truth; is that right?

9 A Yes.

10 Q You were represented by one of GEO's attorneys at the
11 time, right?

12 A Yes, I was.

13 Q I think the deposition was at GEO's attorney's office; is
14 that right?

15 A Yes.

16 Q There was a court reporter there, right?

17 A Yes.

18 Q There was a written transcript of everything that we
19 discussed?

20 A Yes.

21 Q In fact, there was actually a videographer there, do you
22 remember that?

23 A Yes.

24 Q You wore a microphone, right?

25 A Yes.

1 Q There was a big backdrop behind you?

2 A Yes.

3 Q Well, I think what I would like to do is play a clip from
4 your deposition.

5 MR. WHITEHEAD: Counsel, I am going to be at page 29,
6 lines 12 through 24. While we bring up the clip, this is
7 Clip No. 1.

8 MR. SILVERMAN: Objection, Your Honor. He has to let
9 him read the line and ask him about it. Playing the clip as
10 a form of impeachment? He just set it up as an impeachment.
11 Let him ask and do the normal impeachment.

12 MR. WHITEHEAD: The witness committed in his answer
13 that GEO is unable to fire workers. I would like to play an
14 impeachment clip.

15 THE COURT: Wait a minute. I think you can do that.
16 Go ahead.

17 BY MR. WHITEHEAD:

18 Q We are going to bring up Clip No. 1.

19 MR. WHITEHEAD: This is page 29, lines 12 through 24.

20 BY MR. WHITEHEAD:

21 Q Sir, my question to you is going to be a simple one:
22 Wasn't this your response to me at your deposition?

23 (Playing video Clip No. 1)

24 MR. WHITEHEAD: I apologize. That is actually the
25 wrong clip. What I meant to direct you to was page 95, line

1 13 through page 96, line 6, and this will be Clip 5. It is
2 not Ms. Mendoza operating the machinery. It is me.

3 (Video Clip 5 as follows:)

4 "Question: You would agree, though, that just generally
5 speaking, failure to follow the safety procedures could lead
6 to termination?

7 "Answer: It could, yes.

8 "Question: The same is true with failure to follow a
9 supervisor's instructions, it could lead to termination?

10 "Answer: It could, yes.

11 "Question: The same is true of unexcused absenteeism, it
12 could lead to detainee worker termination?

13 "Answer: Yes.

14 "Question: Same thing for misconduct, horseplay, et
15 cetera, could lead to termination?

16 "Answer: Correct.

17 "Question: Certainly theft, that could lead to
18 termination?

19 "Answer: Uh-huh, yes.

20 "Question: Finally, unsatisfactory work performance?

21 "Answer: Correct."

22 (Video Clip No. 5 completed.)

23 BY MR. WHITEHEAD:

24 Q Sir, that was you in the video, correct?

25 A Right.

1 MR. WHITEHEAD: Well, I don't think I have any
2 further questions.

3 THE COURT: Mr. Silverman.

4 MR. SILVERMAN: I was checking to see if the State
5 had questions before I went.

6 THE COURT: They didn't jump up, so go ahead.

7 MR. SILVERMAN: Great, thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. SILVERMAN:

10 Q Good morning.

11 A Good morning.

12 Q We sort of jumped into the questions without actually
13 introducing you. Give us a background of who you are and how
14 you got to this job?

15 A I am Erwin De La Cruz. I was -- I retired out of the
16 military in 2004 after 24 years of service. Then I was
17 contractor on base for ten years, and then the contract
18 ended, like so many other federal contracts eventually end,
19 and I was unemployed for about, oh, six months. Then this
20 position came open. I applied for it and obtained (sic) at
21 GEO, and went to the interview and went into the interview
22 process and then I went to the academy within three days.
23 The academy started and then I was hired in July of 2015.
24 And presently, still assistant contract manager -- I mean,
25 the assistant food production manager for GEO.

1 Q Great. Now, we have previously heard in this case from
2 someone who had the same job as you a couple years before you
3 had it. Do you like your job?

4 A I do. I enjoy working there every day. We always stay
5 busy. That is a good thing.

6 Q Are you proud of your job?

7 A I do. I am. I am proud of my job. I have been in food
8 service for close to 30 -- over 35 years now.

9 Q Are you proud of the food that you put out of the kitchen?

10 A Yes, very much so. We -- for the better part, yes, it is
11 so satisfying to send food, cook it and serve it.

12 Q Okay. So you have been doing this for almost 40 years.

13 You have, as counsel had indicated, a management position.

14 Does that mean you don't have to wash dishes anymore?

15 A No, I have been in the dish -- I have been in the dish pit
16 for six months. You know, just things you have to do in the
17 kitchen. There is always clean up and there is always
18 something to do. I never had a dull moment.

19 Q Okay. Has there been a point in which there were no
20 volunteers in the kitchen while you worked there?

21 A Yes.

22 Q How long did that period last?

23 A Probably six, seven, eight months.

24 Q Okay. At that point, you had zero volunteers?

25 A Correct.

1 Q What did you do?

2 A As soon as I walked in, I already know where I got to go,
3 either washing pots and pans or waiting for the food to come
4 in. While I am waiting for the food to come in, go ahead and
5 wash pots and pans, or help in the cooking process, or even
6 the serving process. I will jump to see where the hot spots
7 are and cover them accordingly.

8 Q During that six-month period, did you miss serving a meal?

9 A No.

10 Q When we saw some of the breakdowns, when we talk about the
11 preparation of the kitchen, that includes both detainee meals
12 and meals for staff, correct?

13 A Yes.

14 Q Does the staff eat the meals?

15 A Yes.

16 Q Same meals, same menu items?

17 A Same meals, same menu items.

18 Q So when I come back to that six-month period, you provided
19 the same food for both detainees and staff during that
20 period, correct?

21 A Yes.

22 Q Do you need detainees in the kitchen?

23 A You know, if we don't have them, then this is what we are
24 going to do, we are going to do it this way, we are going to
25 provide what we can to make sure that everything is done and

1 it's the bottom line. We are going to make it work.

2 Q You had some questions about what you spend per tray. I
3 don't know why we are asking this. Let me just follow up on
4 that, which is: You buy in bulk, right?

5 A Yes.

6 Q Just give us a sense, for the folks, you know, on TV, what
7 kind of bulk do you buy?

8 A Let's start with beans. They come in 50-pound bags, and
9 then rice, 50-pound bags. We will get a pallet of maybe 30
10 on each pallet. Each pallet could be over 2,000 pounds, from
11 1,500 to 2,000 pounds a pallet. I receive 10, 15, even up to
12 30 pallets within three days, depending on what vendor. We
13 choose local vendors. At the time, we had Food Service of
14 America, Sysco and another local brand. Of course, Single
15 Source. Of course, the milk is brought in on Mondays, on
16 Tuesdays and Fridays. Fresh vegetables that are brought in
17 like salads and fruit are brought in the same way. They
18 could range again from two pallets, three pallets to ten
19 pallets to as many as 15 in one shot. The most I ever
20 received in one day was 26 pallets.

21 Q The size you buy in is different than what they offer at
22 say Costco, correct?

23 A It is, sir, it is.

24 Q Counsel played a videotape in which you talked about
25 different ways in which you could potentially terminate a

1 volunteer. Have you ever terminated a volunteer?

2 A No, I haven't.

3 Q Let's talk about the different areas which you talked
4 about whether you could or not. Have you ever, in fact, ever
5 terminated a volunteer for bad performance?

6 A No. If there is a memo that was written up on him, then
7 it goes to the work program and then they will decide because
8 he will go to a, I want to say a proceeding to discuss it.
9 If he is not permitted to come back in the kitchen, that will
10 be decided outside of that, not that I could fire him, no.

11 Q And have you ever personally, say, broken up a fight?

12 A Yes.

13 Q After breaking up a fight, are the people who are
14 fighting, can they come back to the kitchen after that?

15 A No, not at that moment. They'll be quickly sent away. I
16 only got 45 seconds. If there is a fight during serving
17 period, I only got 45 seconds to get this line back on track
18 because of two detainees.

19 Q So they may not come back to the kitchen. Do you know
20 whether they are terminated from the program or not?

21 A No, they'll be sent out and again, the work program,
22 depending on what the incident is, 300 incident or a 100
23 incident, that would determine if he is able to come back.
24 If they fought, the two, the two who hit who, who started the
25 argument, that is all outside of my realm, because that's

1 literally the workforce. They will have their meeting and
2 then that will decide if he could come back or not.

3 Q Okay. There were some questions about the food safety
4 requirements in the kitchen, washing your hands, wearing hair
5 nets and things like that. If you had a class from the local
6 community college culinary program come in and intern for a
7 day in your kitchen, do they have to follow the same rules
8 and safety requirements that you just described in detail?

9 A Yes. He would definitely be washing the hands, wearing a
10 hair net, beard net, washing his hands, gloves up. We might
11 not make him wear the cook white uniform. Depends if it is
12 just a briefing or showing him around.

13 Q Those are, again, as a food safety person, those are
14 non-negotiable?

15 A Non-negotiable.

16 Q Coming back to the question of whether you could or could
17 not terminate someone, what was your understanding of the
18 question being asked of you when Mr. Whitehead took your
19 deposition?

20 A Like I could physically fire him. It is not, it was just
21 to -- he would have to go to, again, we do the write-ups for
22 him. Oh, he stole, put down on the memo that he stole, blah,
23 blah. Then it gets sent over to the lieutenant's office, the
24 lieutenant would take over, then they would take him or the
25 two detainees and then they would go to a, like a court

1 proceeding with ICE. Then like I say, that's out of my
2 realm. Then if they decide that he can come back because he
3 didn't steal or he did steal, then he wouldn't be able to
4 come back. That's according to the court. It is not like I
5 fired him physically, no.

6 Q Last question: What is your favorite part of your job?

7 A Watching all the trays go by. We know we did our job and
8 everything is according to what we had served for that day
9 and it looks presentable.

10 MR. SILVERMAN: No more questions.

11 THE COURT: Any redirect, counsel?

12 MR. WHITEHEAD: No, Your Honor.

13 THE COURT: All right. I assume Mr. De La Cruz may
14 be excused?

15 Thank you. You may be excused, Mr. De La Cruz. Ladies
16 and gentlemen, it is noon, we will reconvene at 1:00. Please
17 follow my instructions about recesses. We will see you back
18 here at 1:00 with a new witness.

19 (Recessed.)
20
21
22
23
24
25

AFTERNOON SESSION

JUNE 4, 2021

(The following occurred outside the presence of the jury.)

MR. POLOZOLA: We are ready without Ms. Chien. She had to step out for a moment, but we are here and ready.

THE COURT: You can bring the jury in.

(The following occurred in the presence of the jury.)

THE COURT: I think all the jurors are present.

THE CLERK: That is correct, Your Honor.

THE COURT: You may call your next witness.

MR. POLOZOLA: Washington calls Mr. Iolani Menza, Your Honor.

THE CLERK: The witness is just being admitted now. Should be here any second.

THE COURT: All right. Mr. Menza, can you hear me all right? You want to unmute your phone.

THE WITNESS: How is that, sir?

THE COURT: Raise your right hand and be sworn.

IOLANI MENZA,

having been sworn under oath, testified as follows:

THE COURT: Thank you. You may inquire, Mr. Polozola.

MR. POLOZOLA: Thank you, Your Honor.

1 DIRECT EXAMINATION

2 BY MR. POLOZOLA:

3 Q Good afternoon, Mr. Menza. My name is Lane Polozola. I
4 represent the State of Washington in this case. I am going
5 to be asking you some questions this afternoon. Okay?

6 A Okay.

7 Q Can you please just start by introducing yourself and
8 spelling your name for the record, please?

9 A My name is Iolani Menza. Spelled I-O-L-A-N-I, M-E-N-Z-A.

10 Q Where do you work, Mr. Menza?

11 A At the Northwest ICE Processing Center.

12 Q Is that the facility that was previously known as the
13 Northwest Detention Center?

14 A Yes, sir.

15 Q You work for the GEO Group; is that right?

16 A Yes.

17 Q What is your job title?

18 A I am a detention officer.

19 Q How long have you been a detention officer for GEO?

20 A I want to say 12 and some change, 12 years and some
21 change.

22 Q Since about 2009, does that sound right?

23 A October 19th, if you want to get exact.

24 Q Now just to start, can you tell me what your salary is,
25 Mr. Menza?

1 A Oh, that's -- I should probably know this, but I really
2 don't. I am going to say around 73 is what I made last
3 yearish.

4 Q Are you paid hourly?

5 A Yeah.

6 Q What is your hourly compensation rate?

7 MS. SCHEFFEY: Objection. I object to the relevance
8 of this testimony.

9 THE COURT: He may answer.

10 THE WITNESS: Does that mean I answer or I don't
11 answer?

12 MS. SCHEFFEY: Yes, you may answer.

13 THE WITNESS: I want to say \$29ish, somewhere in that
14 range.

15 BY MR. POLOZOLA:

16 Q Now, as a detention officer, what posts have you held
17 while working at the Northwest Detention Center?

18 A I have been the laundry officer. I have been an intake
19 officer. I have been an R and M, which is movement and
20 response officer. Currently, I am a pod officer, which means
21 the dorms. I have been a law library, and -- yeah, I believe
22 that is it.

23 Q Okay. Well, I'll have some questions about a few of
24 those. So let's start --

25 A One more. Property officer as well.

1 Q Property officer, is that --

2 A Yes.

3 Q Okay. Great. I want to start. I think you mentioned
4 being a library officer. What do you do as a library
5 officer?

6 A Schedule detainees to come and see, work on their case,
7 utilize the facilities and all the computers, law materials,
8 make copies, notary, whatever we can give them and assist
9 them with in their cases usually, because it is not like the
10 library that you go to, to check out a book. It is where you
11 work on legal material, stuff of that nature.

12 Q What are the hours of the law library?

13 A Basically, it can fluctuate. It is just to accommodate as
14 many people as possible. It can start at six in the morning,
15 it can start at five, it can start at seven and go until
16 fourish, usually.

17 Q So who cleans the law library?

18 A If we have volunteers, they'll come down and clean up the
19 law library. If we don't, then the officer will straighten
20 it all up, clean it up.

21 Q When you say "volunteers," do you mean the detainees?

22 A Yeah.

23 Q The detainees who work in the voluntary work program?

24 A Yes, sir.

25 Q So cleaning the law library is an assignment a detainee

1 can have in the work program?

2 A I believe -- I am not in charge of the work program. I am
3 going to say yeah.

4 Q When the workers come in and clean the law library, what
5 types of tasks do they do?

6 A Um, in the law library, they would sweep or straighten up
7 some chairs, they might mop once a week, maybe every three
8 days, just depends on what needs to be done.

9 Q Do they do kind of the janitorial duties for the law
10 library area?

11 A Yeah, I would say yeah, pretty much. Unless I have
12 something specific that I need help with either like we get
13 to start making 100 copies so we can send everybody something
14 specific, maybe they'll help me with that. Other than that,
15 yeah, pretty much just sweep, straighten out some chairs.
16 Usually I don't see detainees for more than five, ten minutes
17 when I was down there.

18 Q Do they take out the trash, too?

19 A Yeah, they can take out the trash. It is probably about
20 60 feet away to where the end of the hallway is, and there is
21 trash bins. On their way out, they might take out the trash.
22 If they don't, even I'll throw it over there.

23 Q For someone that doesn't go to the facility every day,
24 where is the law library located?

25 A There is a main hallway. It is, I want to say

1 approximately about 70 of my paces. I am going to go with
2 120 yards. I don't know. It is not a huge, huge area, but
3 it is not a small area either. The law library would be
4 about 40 percent on the left side.

5 Q Let me ask a different way.

6 A Go into the center of the hallway, it is just to the left.

7 Q Let me ask a different way. Is it near the barbershop?

8 A Yeah, it is what is considered the barbershop, right
9 across the hallway from the law library.

10 Q As the law library officer, are you responsible for what
11 is going on in the barbershop area?

12 A When I was in, I had an additional officer with me. That
13 individual would keep an eye on the barbershop.

14 Q The barbershop, what are the hours of the barbershop?

15 A Once again, it is all about -- all about -- it can
16 fluctuate and it is all about getting in as many people that
17 need a haircut or need to trim their beards. Whatever they
18 need. Just to get as many as we can get in as time allots.
19 Like I said, if there is 15, 20 people that want to do that,
20 then probably, two, three, four hours tops. If not, it could
21 be as little as two people. Like I know the females usually
22 don't really cut their hair, and they are in there for 20, 30
23 minutes and that is it.

24 Q Is the barbershop open every day?

25 A I believe so, except holidays.

1 Q In the mornings, they open about seven a.m.?

2 A Yeah. They can. Like I said, fluctuates, up to the
3 officer who is running it that day. They might open it at
4 six. They might open it as seven. They might wait 45
5 minutes to open it.

6 Q Yeah. Okay. Who works in the barbershop?

7 A Volunteers. Whoever wants to cut hair, whoever wants to
8 spend time outside the pod.

9 Q When you say "volunteers," do you mean detainees?

10 A Yes.

11 Q And detainees who are working in the work program?

12 A Yeah.

13 Q They are paid for working in the barbershop; is that
14 right?

15 A I believe they can earn money in the voluntary work
16 program.

17 Q What I am trying to understand, just to clarify, the
18 barbers are there as part of the work program, right?

19 A Not all the time. Sometimes people would prefer their
20 friend to cut their hair, they come down with other
21 individuals that they live in the same dorm with and they
22 will just cut their hair. Sometimes they like to do it
23 themselves. Just depends.

24 Q Are there non-detainee GEO staff that cut hair at the
25 barbershop?

1 A No.

2 Q For the barbers that are in the barbershop, I am guessing
3 they use tools like scissors and clippers, that kind of
4 stuff; is that right?

5 A Yes.

6 Q Who provides the scissors and clippers and those types of
7 tools for the barbers to use?

8 A When I was there, there was no scissors for the detainees
9 because it is a safety issue. They were all allowed to use
10 clippers, plug-in clippers. I was responsible for ordering
11 those. I would order based on suggestions or what I thought
12 was good. I would just order clippers and GEO would buy
13 them.

14 Q GEO provides those tools for the barbers to use?

15 A Like I said, I would write a receipt and somebody would
16 pay it. I am not exactly sure what pays or whatever. Yes,
17 as far as I know, I turned it in to GEO and I get a magic box
18 later on.

19 Q As the officer in the area, did you have a list of barbers
20 who could work in the barbershop each day?

21 A Yes. That would also be based on the voluntary work
22 program.

23 Q Is that a list that comes from classification?

24 A Yes.

25 Q When I say "classification," is there a person who works

1 in classification who would provide that list for you?

2 A I believe at the time it was -- there was two officers,
3 Heye and Singleton.

4 Q Alisha Singleton?

5 A Yes.

6 Q If no barbers showed up in the barbershop on a day, could
7 you get more barbers by calling the next folks on that list
8 to come down and work?

9 A Um, well, I don't think I had that scenario ever happen
10 to me, personally. I would just call around to see if
11 anybody wanted to cut hair.

12 Q When you say "call around"?

13 A Call around to the different units. If I knew, say, Bob
14 liked to cut hair, he lived in Golf 1, I would call Golf 1
15 and ask Bob if he would like to come down and cut hair today
16 or not. Up to him.

17 Q Up to him, but you kind of look for folks to come down and
18 do the haircuts that day?

19 A No, it is up to them if they want to do it. If I can't
20 get any volunteers, I will see if anybody in the pod that we
21 are cutting has anybody that wants to cut their hair.

22 Q In the barbershop, who cleans the barbershop area, to your
23 knowledge?

24 A Usually the cleaners would come more towards the end of
25 the day. Barbershop would be complete. I mean, it is like a

1 10 by 12 foot room. Majority of the time, all the barbers
2 would clean their own machines before we put them away
3 because that has to be done. Sweeping, mopping, it was
4 50/50. If the barbers went back to their pods and there was
5 still stuff that needed to be done, then the volunteers for
6 the law library would sweep up or something.

7 Q How many folks -- well, let me pause for a moment. When
8 you say "the cleaners," do you mean the detainee workers?

9 A Yeah, the individuals who come down.

10 Q How many folks generally cleaned each day?

11 A While I was there, it would fluctuate from three to five,
12 three to four, three to five, depending on who decided to
13 show up that day.

14 Q Maybe this is similar to the law library question, but
15 were their tasks similar, janitorial in nature, cleaning the
16 floors, taking out the trash, that kind of stuff?

17 A Um, yeah, whatever they saw that needed to be done, they
18 would take it upon themselves and do it. I didn't exactly
19 say, hey, this needs to be done or anything like that. It
20 was just kind of picking up more than --

21 Q You were the officer in the area, so were you supervising
22 those workers?

23 A Like I said, I really didn't need to supervise them. My
24 job was more the safety and security. They kind of knew what
25 to do. They would do it on their own. I would make sure all

1 my tools are there or I might be dealing with copies or I
2 might be dealing with something else. It wasn't really like
3 I stood and pointed and said do this or that or anything like
4 that.

5 Q One question on kind of the layout. We talked about the
6 law library, we talked about the barbershop, is there another
7 multipurpose room in that area that the detainee workers
8 would clean as well?

9 A Yes, sir. If you want to think about the layout, it is
10 like three rooms, a big room at the top, two smaller rooms
11 that kind of fill up underneath that big room, and then a
12 narrow hallway that goes down. I mean, they are not
13 extremely large. The multipurpose room was actually, I
14 believe, meant to house offices for ICE and be a secondary
15 room for larger functions like church, stuff like that. It
16 was no -- it was a waiting room, if anything, probably ten
17 detainees at a time.

18 Q Just so we are clear, there is no non-detainee GEO
19 staffers that come in and clean that area either; is that
20 right?

21 A No, I don't believe so. I mean, if it is messy and it
22 needs to be done, yes, GEO officers will go in there and
23 stack chairs, borrow chairs, clean up the offices if they
24 have something to do. Yeah.

25 Q You also mentioned you were a laundry officer, was that

1 back in 2018?

2 A Yes, I believe so. Let me see. I would have to recount
3 my jobs. Last year I was the intake, half year, so roughly
4 '17 and '18.

5 Q What are your job duties as the laundry officer?

6 A Excuse me one second. Allergy season. I'm sorry. My
7 duties as laundry officer, I am going to go and say make sure
8 we have the appropriate amount of laundry within the
9 facility. Make sure everybody is dressed appropriately
10 within the guidelines, wash and dry individuals' clothes and
11 redistribute them back to the housing units.

12 I had other duties to where mattresses were involved and
13 other things like that. As it pertains to laundry, it was
14 pretty much the meat and potatoes of it.

15 Q Is it fair to say that your job was to make sure the
16 laundry for the facility got done?

17 A Yep, pretty much.

18 Q Okay.

19 A Yeah.

20 Q The laundry facility at GEO exists because GEO has to do
21 the laundry for all the detainees in the facility; is that
22 right?

23 A I don't know why it exists. I just know that while we
24 were there, we would do the laundry for everybody.

25 Q When we say "the laundry," let's just be clear what we are

1 talking about. Are we talking about clean clothing for the
2 detainees?

3 A Yes, all the uniforms, sweats, so on and so forth, the
4 stuff they use on a day-to-day basis.

5 Q Clean clothing, their bedding; is that right?

6 A Yes.

7 Q Towels that everyone has to use after they take showers?

8 A Yes, sir.

9 Q So let me just pause for a moment. How were you trained
10 as a laundry officer on how to run the laundry?

11 A Um, how to run the laundry? Prior to me bidding for the
12 position of laundry officer, before we transitioned from
13 whatever our job was previously into that position, we would
14 job shadow pretty much. We walk around with another officer
15 that was already previously the laundry officer. I would job
16 shadow that officer. He would show me paperwork. A lot of
17 hands-on, pretty much do as I do and learn.

18 Q Right. On the job training; is that fair?

19 A Yeah.

20 Q So as part of that, you learned how to operate all the
21 different machines, the driers and washers, right?

22 A Yep. Yes, sir.

23 Q And on those washers and dryers, are the washers and the
24 dryers in the laundry, are they different from the ones you
25 might see like in your house, for example?

1 A Yes, sir. They are bigger. More industrialized. Best
2 way to explain it is when you go to a laundromat, those are
3 pretty much the washers and dryers that we have, just maybe
4 on a little bit bigger scale.

5 Q So in terms of a bigger scale, the laundry in the
6 detention center is doing laundry for up to 1,500-plus
7 people; is that right?

8 A I believe yes, up to 1,500. I worked there for 12 years,
9 I haven't seen that head count yet.

10 Q You mentioned the word "laundromat." I want to clarify
11 something. Detainees at the facility can't just go into the
12 laundry any time they want and do their own laundry?

13 A No, sir.

14 Q You as the laundry officer and the detainee workers in the
15 laundry are doing the laundry for everyone in the facility,
16 right?

17 A We go through a weekly schedule breaking it up throughout
18 the week so as to not, like, try and overwhelm my machines
19 all at once.

20 Q Is the laundry operating seven days a week?

21 A No, sir.

22 Q How many days a week?

23 A So depending on what is going on, like I would say
24 Saturdays, no. You might have to do whatever is leftover for
25 clothing when people book out. There is usually busy days

1 and not so busy days.

2 Q Let me ask it a different way. Are there days when there
3 is nothing happening in the laundry because it is closed?

4 A Yes.

5 Q What days are those?

6 A So if I am doing inventory that day, we are not really
7 washing anything. One machine might get turned on just
8 because there is dirty stuff that we have collected, mops or
9 whatever that needs to be washed. I might do a blanket
10 exchange. I might do a mattress exchange. I might do some
11 of those other details that I told you I was also charged
12 with. Yeah.

13 Q Sounds like those are days where you are still there
14 working, it is not closed?

15 A There is an officer there at all times.

16 Q Let me move on. We have mentioned the detainee workers.
17 Is part of your job as laundry officer to supervise and train
18 a detainee worker crew working in the laundry?

19 A I had volunteers that come down and want to be part of
20 that and show them hands-on, do as I do and show you how to
21 work these machines.

22 Q Just to be clear, when you say "volunteers," do you mean
23 detainee workers who are participating in the work program?

24 A Yes, sir.

25 Q They are getting paid to come help you work in the

1 laundry?

2 A They have to get cleared through medical and all that.
3 Then they sign a work sheet.

4 Q We will come back to that. I want to be clear, when you
5 say "volunteers," they are actually workers that are getting
6 paid to come do the work in the laundry; is that right?

7 MS. SCHEFFEY: Objection, asked and answered.

8 THE COURT: He may answer.

9 THE WITNESS: Yeah, they come down and help me with
10 the laundry.

11 BY MR. POLOZOLA:

12 Q They are getting paid to do that, right?

13 A Through the work program, yeah.

14 Q I want to break out the laundry duties in a bit more
15 detail. Part of your duties as laundry officer is to make
16 sure everything gets done. Does that include things like
17 washing and drying all of the laundry?

18 A Whatever needs to be done that day, yeah.

19 Q Making up bedrolls, for example?

20 A Yes. I would say on any given day I was in there, we made
21 maybe 15 bedrolls, just so intake had enough bedrolls to
22 issue out to any of the detainees that were coming in.

23 Q Cleaning the lint traps out of all the machines as well?

24 A It is a fire hazard if we don't.

25 Q I think you mentioned picking up and distributing laundry

1 from around the facility, right?

2 A Yes, sir.

3 Q You also have to clean the laundry area to make sure it
4 stays clean in a sanitary way; is that right?

5 A Yes.

6 Q How many laundry officers at a time work in the laundry?

7 A One. One officer in there.

8 Q Are there multiple shifts per day?

9 A Yes, there is at least two shifts.

10 Q So one GEO laundry officer at a time?

11 A Yes, sir.

12 Q Okay. Now, with respect to the detainee workers, how many
13 workers work in the laundry each day?

14 A Fluctuates. Once again, when I was in there, I had up to
15 five on my roster I could call and see if they wanted to work
16 that day or not.

17 Q Per shift?

18 A I was a dayshift officer. For my shift, that is -- I
19 would call these specific individuals. If they didn't have
20 anything going on or they weren't planning on doing the law
21 library or recreation or they were expecting a call from
22 their lawyer or anything like that, they would come down and
23 we would start the daily activities.

24 Q When folks were working in the laundry, how long would
25 they work per shift?

1 A Um, typically with me they would show up around 7:30ish,
2 give or take half an hour. Like I said, if they wanted to go
3 to the rec yard because it is their scheduled time or
4 tournaments or law library, any of that, it would vary on the
5 detainees because I would have some trickle in half hour, 45
6 minutes later or not come until after 11:00, just depended.
7 Typically, I would have already pulled the laundry bins out,
8 stacked them against the wall to see what we had to do for
9 the day. If it was a normal pod laundry day and we had, say,
10 three to four units to do, we would go around to those units.

11 Q Sorry to interrupt. My question was just, how long do
12 they normally work in a shift?

13 A Like I said, it varies, depending on what day and how much
14 we had to do. If you want to know a shift, I would say no
15 more than an hour and a half in the morning and then after
16 lunch probably another 45 to an hour and a half.

17 Q Depended on how much work needed to be done, I think
18 that's what you said; is that right?

19 A Yep.

20 Q So when you worked as a laundry officer, I think it was
21 for a year or so, you said, did you generally work with the
22 same detainees?

23 A Yes. Yes, I worked with usually the same individuals.
24 Sometimes other -- sometimes detainees would want to come
25 over from a different shift, i.e. swing shift and would come

1 to me and ask me, can I move to this shift, yeah. I had no
2 issues with that.

3 Q For the workers in the laundry, just so I get a better
4 sense of what they were actually doing, were they unloading
5 and loading the washers and dryers as part of their job?

6 A Yes, loading and unloading each pod or any leftover
7 whites, sweats or uniforms.

8 Q Would they -- I think we mentioned the lint traps, would
9 they help you go around and clean the lint traps?

10 A Yeah. We would go around, I would drop all the lint trap
11 doors, check them, make sure that the screens were clear; if
12 they weren't clear, simple as wiping your hand and grabbing a
13 big ball of lint.

14 Q Did they help clean up the laundry area in terms of taking
15 out the trash, sweeping, mopping, that kind of stuff?

16 A When I was there, I would do it just because you never
17 know what you could find during a normal laundry day. You
18 get stuff from intake that hasn't been checked through yet,
19 so when we separate stuff, I would usually take the trash out
20 right before I left for my shift.

21 Q You mentioned that you would have workers sign some
22 paperwork when they started, right?

23 A I believe it was a requirement to get cleared. That's
24 documentation that has to be turned into classification prior
25 to them starting at any position, any voluntary work

1 position.

2 Q Would that -- is that like a job description?

3 A It has been awhile. I think there are job descriptions,
4 but I want to say more just, yeah, I believe, actually, it
5 is. There is job descriptions that outline duties that they
6 could be responsible for. Once again, it is up to the
7 officer to show them how to do all that stuff.

8 Q Yeah, to kind of direct what needs to be done that day,
9 have the detainee workers perform tasks that needed to be
10 done?

11 A In the laundry room, it is easier to do it with them to
12 keep everybody on task. So directing them to do it could
13 cause an issue with fires, with -- it is just easier to do it
14 with them.

15 Q When you say "do it with them," do you mean that you are
16 all doing it together?

17 A Yeah, loading, unloading.

18 Q You are kind of doing the same work in a way. You are
19 loading the washers and dryers just like the detainee workers
20 are loading and unloading the washers and dryers?

21 A I was a lot heavier back then. I used it for kind of a
22 little bit of a workout plan. I would try and get them to
23 let me do as much of it as possible.

24 Q You mentioned bedrolls a moment ago. I want to clarify,
25 what is a bedroll?

1 A A bedroll is the initial bedding that an individual will
2 receive upon arrival at the detention center. Usually
3 consists of two blankets, two heavier blankets, two sheets,
4 like your normal standard white sheet that would fit over
5 your mattress, some towels, a set of toiletries to include a
6 bar of soap, toothbrush, toothpaste and deodorant and some
7 headphones.

8 Q Laundry would prepare those and then send them the intake
9 for folks to receive when they come into the facility?

10 A Yeah, just so they have their immediate needs met right
11 off the bat so they are not trying to order stuff, they can
12 brush their teeth or whatever.

13 Q The detainee workers would help you make the bedrolls in
14 the laundry; is that right?

15 A Yeah, they would. I mean, usually I liked to make the
16 packs myself with all the little stuff because they are
17 usually stacked in my office. It was easier for me to just
18 do it instead of always pulling them out. Then we would go
19 and roll, literally roll it like you see in those Easy Rider
20 magazines, they got the roll in front of their bikes, you
21 just roll everything up into a little pillow like, stuff it
22 in a bag and send it on its way.

23 Q Okay. I think we mentioned earlier, kind of the
24 on-the-job training aspect of it. You would show the workers
25 how to do the work they needed to do in the laundry; is that

1 right?

2 A Yes, sir.

3 Q So once they started doing the work, if they were doing
4 something wrong, would you help direct it, make sure they
5 were doing things the right way?

6 A Majority of the time, the other detainees -- because, I
7 mean, in the laundry, it is like procedural. Sometimes like
8 one of my detainees had a better idea, if we do it this way,
9 organize it this way, this would be the best, most efficient
10 way to do things. They were pretty on the spot like, hey,
11 man, you only put this in for 30 minutes, not 40 minutes,
12 whatever. It was rare. I mean, I have been corrected on
13 numerous times by individuals. We can't do that, man. You
14 got to stop the cycle for 15 minutes. It is not me
15 correcting, it is kind of a both correcting. I don't correct
16 anybody. It is what is the best way to accomplish that.

17 Q Sounds like they are really kind of your partners in
18 getting the laundry done, right?

19 A Yes, sir.

20 Q Yeah. They know what they are doing. Do folks wear
21 protective equipment when they are working in the laundry?

22 A So it is required. I ask them to. It is mostly gloves
23 and a mask. Sometimes they will throw on the goggles if they
24 are doing something that is going to flash up, like dust up.
25 We usually don't need to unless we are just cleaning. There

1 is nothing that we wear all the time. I would say they use
2 the gloves all the time. We are not -- we are not cleaning
3 the vents all the time so no goggles necessary. When we do,
4 yes, they need to put goggles on. You are not messing with
5 the washing machine, the part where all the stuff is dumped,
6 you don't need your goggles there. Just the gloves, they
7 would wear a lot.

8 Q Is that because they are doing other people's dirty,
9 soiled laundry?

10 A I would say that any time they do stuff, they always, when
11 they work out, they wear gloves. It doesn't surprise me they
12 would sit there in gloves and read a magazine. I rarely use
13 gloves.

14 Q We got into this a little bit. I do want to break it down
15 step by step because you have mentioned a few different
16 pieces of the puzzle, and I want to make sure we all
17 understand. How do you get the dirty laundry from around the
18 facility that needs to be done in the laundry facility?

19 A Go on a walk. Me and -- so, like I said, I would pull all
20 the carts out and stack them against the wall. Some of those
21 carts are empty carts. We would then leave the laundry room,
22 secure it, then we would go on a walk and pick up laundry
23 bags that the units would have waiting outside their unit.
24 They are all labeled. Then we would just go pick them up,
25 bring them back, line them up and then we start the washing

1 process.

2 Q You say "we," do you mean you and the detainee workers?

3 A Yes.

4 Q Is laundry done on a schedule in the facility?

5 A When it comes to what is being washed that day, yes, it
6 is.

7 Q What is the schedule, roughly speaking?

8 A This isn't exactly the schedule; don't hold me to it. I
9 can give you an idea of how it is broken up. On, say,
10 Tuesdays, you would have Alpha, Bravo and Charlie units, they
11 would set their laundry out, and that's what we would be
12 accomplishing. Since it is a Tuesday, we are only going to
13 do their whites, so we would pick up the bags of white
14 clothing to include their sweats, socks, underwear, towels,
15 T-shirts. Then if we were doing, say, uniforms as well that
16 day, they would have to separate those so we didn't turn the
17 whites different colors.

18 Q Okay. So help me understand how often the laundry is
19 done. For example, if I am in A pod, how often is my laundry
20 getting done?

21 A At least two times a week. So we are on Tuesday,
22 Wednesday comes around and it is shower curtain day on
23 Wednesday. I would go around the pod -- to all the pods and
24 I would pull all the shower curtains down and we would
25 deliver new shower curtains for them, and we have two loads

1 of shower curtains to wash because it is roughly like 29
2 times six of shower curtains. Then Thursdays would roll
3 around and we would have additional units to do. And then
4 say Friday rolls around, and it is kind of a wind down day.
5 There isn't very much going on, there is just dirty laundry
6 that accumulated throughout the week, maybe three, four bins
7 of laundry, throw a cycle in. Once it is washed, throw it
8 into the dryer, dry it, pretty much wind down. Saturdays and
9 Sundays are good days to go and do blanket exchanges and
10 mattress exchanges.

11 We would just tote fresh washed blankets to the unit, call
12 it out, let them come down and change it out. Then we wash
13 whatever was dirty. Half the time, a quarter of the pod
14 would get up; half the time, half the pod would get up. I
15 really never seen the whole pod get up to do an exchange.

16 Q Okay. Thank you. I think I have a sense of that. Did
17 you also do the laundry for the medical unit?

18 A Yes.

19 Q Okay.

20 A That portion was like a daily grab. Whenever we are going
21 to do whatever we are going to go do, i.e., shower curtains
22 or uniforms, they would always have a bag. Usually it was
23 mops and rags and stuff that they needed. Sometimes it was
24 clothing. I mean, medical unit only housed up to like 15
25 detainees or something like that. Not too much laundry

1 coming out of there.

2 Q We talked about the pods, the medical. You are also doing
3 unissued laundry, laundry that is not being returned to
4 individuals, but that is being prepared for new folks coming
5 into the facility?

6 A Yes, it is a low priority. It is more of a downtime kind
7 of deal with that.

8 Q You should have a packet of exhibits in front of you. Do
9 you have that?

10 A This?

11 Q An envelope that has some exhibits.

12 A There is no -- there is two envelopes over here. They are
13 both opened.

14 MR. POLOZOLA: Counsel, do you know if Mr. Menza has
15 the packet of exhibits that was delivered or not?

16 MS. SCHEFFEY: I am going to ping one of our staff.

17 MR. POLOZOLA: If you don't, it is okay. We will go
18 forward. We can do it by Box.

19 MS. SCHEFFEY: Hopefully, a staff member is coming.

20 THE WITNESS: This one?

21 MR. POLOZOLA: We will pause for one second.

22 MS. SCHEFFEY: Sorry, Lane. Can you confirm it has
23 your name on it, Mr. Menza?

24 THE WITNESS: Yeah.

25

1 BY MR. POLOZOLA:

2 Q Simple request. You should see in there an exhibit marked
3 234. It is a photo. Let me know when you have it.

4 A Is it in this book or is it in this --

5 Q Should be in the folder.

6 A This one?

7 Q Yeah.

8 A Can I rip this open?

9 Q Sure.

10 THE COURT: While they are getting exhibits ready,
11 let me remind you all, I know sometimes you get sleepy in the
12 middle of the afternoon. Do your best to give your full
13 attention to the testimony as it is given and the exhibits.
14 Don't be distracted by answering emails or checking your
15 emails on your phone or anything like that. Try and give the
16 case your full attention. Do your best to be awake. It is
17 okay if you have to stand up for a second or stretch,
18 whatever, as long as you don't leave our virtual courtroom,
19 as long as you can hear and see what is going on, on your
20 screens. Okay.

21 Mr. Polozola, go ahead.

22 BY MR. POLOZOLA:

23 Q Mr. Menza, it is 234.

24 A Yes, sir.

25 Q Do you recognize that photograph?

1 A That would be coats and blankets.

2 MR. POLOZOLA: Your Honor, we offer Exhibit 234 into
3 evidence.

4 THE COURT: Any objection?

5 MS. SCHEFFEY: No objection.

6 THE COURT: 234 may be admitted.

7 (Exhibit 234 was admitted.)

8 BY MR. POLOZOLA:

9 Q We will pull this up on the screen for you, Mr. Menza, so
10 everyone can see. I am just wondering if you can confirm for
11 me, so are these the big bins that you use to go collect
12 laundry from around the facility?

13 A No, those are the big bins.

14 Q These are the big bins?

15 A Yeah, those are the big bins that I like to -- well, when
16 I was in laundry, I liked to put more stuff in those bigger
17 bins and the more agile and smaller bins is what we go and
18 collect laundry around the facility in. Like I said, those
19 are part of the bins that I would pull out in the morning and
20 stack against the walls so we could, you know, basically
21 assess what we are going to do for the day.

22 Q Is this dirty laundry waiting to be done in the laundry?

23 A Not necessarily. The tags get left on quite often. It
24 could be dirty laundry. It looks like it is dirty laundry.
25 It also could be waiting to be separated, coats and blankets.

1 Q This is laundry that would be done in the facility in the
2 laundry unit?

3 A Yes.

4 Q It looks like blankets and jackets; is that right?

5 A Yeah. I mean those are really bulky things, that's why
6 they use the big bins. I mean, it is probably 30 blankets
7 and 15, 20 coats per bin.

8 Q Now, we talked a little bit about some of the unissued
9 laundry that is not just returned to the living units, right?

10 A Uh-huh.

11 Q So for unissued laundry, is that laundry folded in-house?

12 A Do you mean do I fold it?

13 Q I am asking, does the laundry get folded?

14 A Yes, the laundry gets folded. These don't per se because
15 they are big bulky things. Usually we lay them over each
16 other and separate the coats and throw it in a pile. Like
17 the whites will and the uniforms will.

18 Q For uniforms and whites, laundry that needs to be folded
19 after it has been washed and dried, who folds that laundry?

20 A I believe the female pods would. At the time when I was
21 in laundry, females would -- we would stack a couple of carts
22 outside the female units and they would take turns folding
23 and matching things up.

24 Q Was that -- those folding -- are the units that were
25 folding, were those individuals working in the work program?

1 A So I can't tell you exactly how that went down. I wasn't
2 in there. I have seen just all the girls rush, and I want to
3 do it today. No, I want to do it today. No, I want to do it
4 today. It just depends on -- I don't know if they had a
5 system in place for that or what. Majority of the time, I
6 saw it go in and they were enthusiastic about doing it.

7 Q They got paid for folding that laundry; isn't that right?

8 A Once again, I couldn't tell who you got paid, who didn't
9 receive pay for that.

10 Q In the interest of time, let's sum up. I understand you
11 had detainee workers working with you in the laundry; is that
12 right?

13 A Yeah.

14 Q They were washing and drying clothes, just like you would
15 wash and dry clothes as a laundry officer?

16 A Yes, sir.

17 Q Those individuals doing that work with you in the laundry
18 would make one dollar a day; is that correct?

19 A Through the work program, I believe so.

20 Q I believe you said you made about \$29 an hour?

21 A I think that is what I am currently at.

22 Q Would you do that same work for a dollar a day?

23 A I am not in that situation. I'm sorry.

24 MR. POLOZOLA: No further questions, Your Honor.

25 MR. BERGER: Your Honor, I have a few follow-up

1 questions. May I proceed?

2 THE COURT: Yes, please.

3 CROSS-EXAMINATION

4 BY MR. BERGER:

5 Q Mr. Menza, can you hear me? I will raise my hand so you
6 can see where I am. You can hear me okay?

7 A Yes, sir.

8 Q My name is Adam Berger. I represent the detainee workers
9 in this lawsuit. I wanted to ask a few quick follow-up
10 questions to which you just testified to just to make sure I
11 understand.

12 A Sure.

13 Q Going back to when you were working in the law library.

14 A Yes, sir.

15 Q I think you said typically you had about three to five
16 detainee workers that would come and clean the law library,
17 the barbershop area, the multipurpose room?

18 A Yes, sir.

19 Q On a daily basis, right?

20 A Yes, sir.

21 Q They are typically the ones who did that cleaning, right?

22 A The cleaning for the law library or?

23 Q The library, the barbershop.

24 A Whatever area needed it at the time, you know, sometimes I
25 didn't use the multipurpose area --

1 Q Okay.

2 A -- that day, sometimes I did. Just depended on what
3 needed to be done that day.

4 Q Yeah, sometimes you would get those detainee workers to
5 help you with copying or some other task, correct?

6 A Not copying, maybe stapling because I would be in the
7 separate room using the copying machine. Yeah.

8 Q Then when you moved on to be the laundry officer, you
9 received on-the-job training primarily for that job, correct?

10 A Yep.

11 Q And similarly, when you got detainee workers, you gave
12 them on-the-job training, right?

13 A The detainee workers and myself would coach individuals
14 through, yes.

15 Q Okay. So you had some experienced detainee workers
16 coaching new workers on how to use the machines and perform
17 the other tasks in the laundry, correct?

18 A Yes.

19 Q And you as the laundry officer would tell the detainee
20 workers what to do, correct?

21 A What our task was for the day, i.e., if it was a Tuesday,
22 we needed to start collecting these things, yeah, so I would
23 keep the schedule.

24 Q You directed the work and kept things on schedule, right?

25 A Yes, sir.

1 Q And you continued to monitor the work of the detainee
2 workers to ensure that it was being done, that they were
3 doing their job right and you would correct them or show them
4 again how to do things if it was performed incorrectly?

5 A Well, like I said, I was also doing it with them because
6 it was my workout program.

7 Q Okay.

8 A Yeah. I was there, so I mean, I wouldn't go and say, hey,
9 you go do this. I would just grab it or they would try and
10 grab it before me. Yeah.

11 Q Making sure that everything was done properly was your
12 responsibility, right?

13 A Properly or most efficient.

14 Q Yeah.

15 A Yeah.

16 Q So you would provide oversight on the detainee workers to
17 make sure that was accomplished, correct?

18 A Sure.

19 Q Then there was a little bit of talking about personal
20 protective equipment in the laundry. Isn't it true that you
21 encouraged the detainees to use gloves because they were
22 handling other people's dirty laundry?

23 A Like I said, I have told them we can always wash our
24 hands. I rarely use gloves. But if they were going to use
25 gloves, they could use gloves. They didn't have to. It was

1 up to them. Their choice.

2 Q Sorry.

3 A My answer is: I would tell them that, yes, there can be
4 certain things in the drawers or some personal, I don't know,
5 garments, I don't know how you would say it, underwear,
6 underwear would often be not the cleanest, so to be careful.

7 Q My question is a simple one: Did you encourage them to
8 wear gloves because they were doing other people's dirty
9 laundry?

10 A I would say yes.

11 Q Similarly, when they were cleaning the lint traps, you
12 would give them medical masks and protective eye wear?

13 A Yes.

14 Q Do you know how many women in the pods folded laundry on a
15 daily basis?

16 A I do not, sorry. I have been there when I pushed laundry
17 over there. I have seen them run from upstairs and come
18 down, I want to do this, I want to do that. I have left it
19 there. I don't know who actually folded, what detainee did
20 what, or how many in total. I have seen half a pod do it.
21 Being 15, 20 people. Like I said, I am not sure about the
22 roster or any of that stuff.

23 Q And I don't mean to put you on the spot, how are you at
24 math?

25 A Um, well, seeing how I haven't used it in years and years

1 and years and years, I think I can do basic math.

2 Q I am going to call up Exhibit 35, which has already been
3 admitted.

4 A 35?

5 Q You may not have that in your packet. If you look at the
6 screen, it will be up momentarily. Just to get you oriented,
7 this will be the 2013 annual report for the Northwest
8 Detention Center.

9 A 2013, sir?

10 Q Yes, 2013 year-end report. We are going to go to the page
11 that is page -- paginated as page 25 of the document. The
12 Bates stamp is GEO-State 029832. Can you see that?

13 A I can see it.

14 Q Okay. We are going to blow out the little part that I am
15 going to ask you about. Don't worry too much.

16 A Okay.

17 Q So what we are going to blow out is just a list. Let's
18 close that for just a moment. Can you see this is entitled,
19 you know, types of work detail?

20 A Yes, sir.

21 Q So we are just going to go to the column for laundry.
22 Okay? You see that says 11,938 --

23 A Sure.

24 Q -- laundry details for the year?

25 A Okay. I don't know what -- I don't really understand what

1 this pertains to. Is it just how many shirts I have and
2 socks or items or?

3 Q This is the number of work details in the year in laundry.

4 MS. SCHEFFEY: Objection.

5 THE WITNESS: You mean -- there is 11 --

6 MS. SCHEFFEY: Mr. Menza, objection.

7 THE COURT: Ms. Scheffey, when you make an objection,
8 I need to know your grounds.

9 MS. SCHEFFEY: Yes, Your Honor. My objection is he
10 didn't lay the foundation. Counsel is testifying about what
11 this number is.

12 THE COURT: That's a fair objection. Sustained.

13 BY MR. BERGER:

14 Q Can we close the blowout again. Let me just put it this
15 way to you: I asked you how good you were at math.

16 A Yes, sir.

17 Q I think you testified earlier that the laundry wasn't open
18 everyday. It wasn't open 365 days a year, right?

19 A I testified we closed the laundry and would go do other
20 things, i.e. mattress exchange, blanket exchange. You asked
21 me if the machines were running all the time. I said that
22 maybe one or two machines might be on, but we would go and do
23 other things.

24 Q Let me clarify. The laundry was actually in operation
25 every day, just not all the time every day.

1 A Yes.

2 Q Well, can you do this math for me, can you divide 11,938
3 by 365?

4 A So it is like 12,000 divided by 400?

5 Q Yeah.

6 A 100.

7 Q Or maybe 30, 30 per day?

8 A 30 what? I really don't understand what this is. I don't
9 want to agree to anything that I don't know what I am talking
10 about.

11 Q Okay. Fair enough. I will let you go now. Thank you for
12 your time.

13 CROSS-EXAMINATION

14 BY MS. SCHEFFEY:

15 Q Mr. Menza, I know you have been talking about laundry a
16 lot today. I'm hoping you'll indulge me a little bit more.

17 A Sure.

18 Q So when you were the laundry officer, tell me how you
19 received the laundry a detainee wanted to wash each day?

20 A They would -- the night before, usually they would pack up
21 what they wanted to on the clip and then put it in a bag and
22 the laundry would be marked as, say, Fox 1 and set outside
23 their unit for me to pick up in the morning. We would roll
24 the carts through all the units and pick up the laundry that
25 was supposed to be done that day and take it back to the

1 laundry room where we would start to wash and dry those
2 items.

3 Q I am going to break that down. You said they put it on a
4 clip. Can you explain that to me?

5 A Sure. The clip is more like say a backpack with a little
6 plastic clip except they can be cinched all the way down to
7 hold smaller items. They are basically a fabric loop that
8 the detainees would run through the pant leg or run through
9 the shirt or put the sock in a little eye that they could
10 cinch down -- sorry, allergy season -- where it would stay on
11 the clip and together so they wouldn't lose it while it was
12 being washed.

13 Q Okay. When they received their laundry back, do they get
14 it back on that clip?

15 A Yes, they do.

16 Q Is that laundry ever folded by detainee volunteers?

17 A No, most detainees are pretty particular on how they
18 handle their own clothes, whether or not they want to roll it
19 or they want to fold it with a super crease. They tend to do
20 that themselves. Once we send all their laundry back to
21 them, it is unfolded. It is the way we got it.

22 Q Is there a pod position to help collect laundry in the pod
23 before it gets put in the bag outside the pod?

24 A There is someone that is identified. But the pod
25 officer -- majority of the time, when I roll around, they

1 hear the cart and they look to their side, and there is the
2 bag that gets put out by the detainee. He will just grab it
3 and throw it outside of his door, and I will come by and pick
4 it up.

5 Q Did you testify earlier you are a pod officer?

6 A Yes, I am a pod officer.

7 Q When you are a pod officer, do you have a detainee who has
8 volunteered to help just do that, take the bags and put it
9 outside with the laundry in it?

10 A Yes, I do. They don't go around collecting all the
11 laundry from each individual. They basically just put a bag
12 there and all the detainees know that if they want to do
13 their laundry that day, they bring it down themselves and
14 throw it in the bag.

15 Q So the detainee who volunteered to help collect the
16 laundry or help put the laundry outside in the hallway, is
17 that their entire task for the day?

18 A Yes, that is their task for the day because when we are
19 done as laundry officers and we have washed that pod, we go
20 into the unit and we utilize one of the -- majority of the
21 time, it is the ping pong table, it is a bigger table, so we
22 utilize that table and we spread out their laundry, and as
23 the detainees wake up, later on they will come by, look for
24 their clip, and they will take it with them back up to their
25 room.

1 Q I believe you testified earlier that when you get
2 detainees, you have them for a portion of time in the morning
3 and then a portion of time in the afternoon; is that correct?

4 A Yes, ma'am.

5 Q What happens in the middle?

6 A Usually in the middle, the machines are running and there
7 is nothing for them to do, so I mean they have only read the
8 magazines so many times. I need them to go take a break, do
9 something, write a letter, just go back to their pods and
10 hang out until I call them back after count time, around
11 11ish.

12 Q Is that 11:00 in the morning?

13 A Yeah, that is 11:00 in the morning. Count time was ten --
14 well, is ten now. Back then, I think it would have been an
15 hour later. I would call them probably around 12ish.

16 Q What is count?

17 A Count is where we verify all the individuals in the
18 facility, are in the facility safe, breathing, in the area
19 they are supposed to be in.

20 Q So if the detainees come back for count -- from count
21 around 11:00, are they back in their pods for lunch?

22 A No, they tend to want to eat in that area, in the laundry
23 area because laundry is so close to the kitchen I can send
24 them over with the kitchen workers after all the food has
25 been served and they eat with the kitchen guys.

1 Q Does that give them a break from all the people they are
2 already living with in their dorm?

3 A It does.

4 MR. BERGER: Objection, Your Honor, leading.

5 THE COURT: The answer may stand.

6 THE WITNESS: Yeah, it does give them a break. When
7 I was there, there was no COVID restrictions so you would
8 have multiple, multiple detainees from all over the facility.
9 I think at any given time, I would have different units in
10 the law library -- not law library, but in laundry with me.
11 You could have up to ten units, maybe more in the kitchen.
12 So yeah, go over there, set up tables, serve themselves food
13 and go ahead and laugh it up a little bit.

14 BY MS. SCHEFFEY:

15 Q About how long do they spend at lunch over with the
16 kitchen?

17 A I am going to go -- the average lunch would be 45 minutes.
18 That was probably the average. 30 to 45 minutes, they would
19 be over there, and I would be doing paperwork or whatever it
20 is I need to do. If any of the machines would go off, I
21 either empty them and reload them. Yeah, pretty much. Plus
22 they also got to use the ice machine while they were in the
23 kitchen, throw some ice in their cold drinks.

24 Q I think you mentioned there is a shower curtain day; is
25 that correct?

1 A Yes. Shower curtains are to be washed weekly throughout
2 the facility. The numbers off the top of my head, I can't
3 really give you specifics. I can give you a general amount
4 of pods, somewhere in the 24, 25, maybe a little bit more
5 pods. That's why I said, that number times six, roughly six
6 showers, each one having a curtain. We go and collect all
7 those curtains and they would -- really didn't take very many
8 wash loads to do all the curtains in the facility. It was a
9 very, very short day usually.

10 Q When you say "very, very short," how long are you talking
11 about?

12 A I am talking about I would call them -- let's say an hour,
13 hour and a half in the morning. Then I would call them back
14 for lunch and we wouldn't load the machines or do any work.
15 I let them come down and eat and then go back to their pods.

16 Q Are you in a union?

17 A I am in the union.

18 Q As part of the union, do you bid for certain positions in
19 the facility?

20 A Yes, you bid based on seniority throughout the facility
21 for shift and for post.

22 Q Is the laundry position -- I will rephrase that. Is the
23 laundry position highly desirable?

24 A I am going to say days off wise, no. Switching up being a
25 pod officer, yes. I can't really put it into like would I

1 bid for it at this stage. If the days were different, yes, I
2 would bid for it in a heartbeat.

3 Q Is the actual work you do in the laundry pretty easy?

4 A Yes.

5 Q Are there any officers who prefer not to have detainees in
6 the laundry?

7 A I used to prefer not to have detainees in there myself.
8 There are other officers, I would say, two on the top of my
9 head right now, yes, they would prefer to do everything
10 themselves.

11 Q So did you have the authority to say no to having
12 volunteers with you?

13 A I wouldn't want to take the opportunity away from
14 detainees to come down and fill their day. A lot of these
15 individuals, they don't have too many things going on so this
16 helps them fill that day. They will come down and keep busy.
17 Basically just busy, busy, busy, you know, you got to tell
18 them to take a break, relax a little bit, go back to your
19 pod, go to recess or yard. Things like that. I wouldn't
20 take the opportunity and tell them they could not come down,
21 even though I might have planned on doing the majority of
22 everything myself that day.

23 Q Have you ever done all the laundry yourself?

24 A Yes.

25 Q Was it hard?

1 A It is not. It just allowed me to -- I did say I was
2 fatter. It was one of my get-my-steps-in kind of thing. The
3 laundry room isn't that big. 35 foot by 25 foot, those
4 dimensions. It is moving 15 feet at the longest from the
5 furthest washing machine to the furthest dryer. Not too much
6 area to cover. It is just pick up, put it in, push the
7 button.

8 Q Is there a radio in the laundry room?

9 A Yep. The detainees would often choose what they wanted to
10 listen to without having to put earphones in. I wouldn't let
11 them get too crazy and blare it to where people are looking
12 in. I mean, it had to be loud enough for them to hear over
13 the machines.

14 Q Before, you talked about folding laundry. I want to
15 clarify what is folded. The ring the detainees give you, is
16 that laundry folded?

17 A No, ma'am. Like I said, it is a piece of fabric that goes
18 through one of the openings in the clothing i.e. the neck
19 loop, the -- what is this called? Your arm hole.

20 Q Sounds good.

21 A Even the bottom of it. I think the only thing that is the
22 hardest to secure on it is the socks. Like I said, there is
23 a little loop that you can strap down and comes to pretty
24 small so they don't fall out. Nothing is folded. It is all
25 lose. We moved from the bags because there was a complaint

1 that, you know, the very inside of the bag never got dry so
2 we moved to the loops to allow it to kind of like freely dry.

3 Q What laundry is folded, then?

4 A Only things that need to be reshelved or reissued. We
5 really don't have -- say we had a J pack and 30 people left,
6 they would leave all the clothing that they were issued
7 behind and we would bag that up and throw it in the washer,
8 rewash it, throw it in the dryer, put it in a bin and we
9 would take it down to the female unit where it would sit
10 there and wait to be folded by the detainees in the female
11 unit, whether it is Delta or Delta 2. That was based on when
12 they felt like doing it.

13 Q You just used an acronym, was it J pack?

14 A I'm sorry. That is also probably too old of a term. It
15 is where we have a flight going out, detainees are scheduled
16 to be on that flight, and they will no longer be housed with
17 the NWIPC. Those 30 individuals get on a bus and they go
18 down and ICE deals with that. They are no longer with us.
19 We rewash all their clothes reissue it out.

20 Q You said you brought the laundry down to the female unit.
21 Why didn't you have them come to you?

22 A Um, well, I would -- I am, I would have volunteers come
23 that were male and we can't mix the two. We can't have
24 females and males in the same area. This way, the females
25 could be a part of something and do something other than --

1 other than pod work, I guess you could say.

2 Q The females need opportunities in the voluntary work
3 program?

4 A I would say, yeah, it was to let as many people do
5 something besides wiping down a table.

6 Q I think you also testified that you work in the pod; is
7 that correct?

8 A Yes, I am currently a pod officer.

9 Q Currently a pod officer. Just so I can understand, first
10 of all, what is a pod?

11 A A pod is a -- it is a unit with available bed space in --
12 basically it is a housing unit. It is where individuals can
13 be housed for the duration of their stay or I think the --
14 yeah, that is the best way to explain it. It is just a place
15 where all the detainees have individual space for themselves
16 and kind of a community of detainees that can be housed
17 together based on their classifications and policies.

18 Q In the pod, do detainees have their beds in there?

19 MR. BERGER: Objection, Your Honor, beyond the scope.

20 THE WITNESS: Yes.

21 MS. SCHEFFEY: I am trying to lay the foundation
22 here, Your Honor, for what position --

23 THE COURT: I think he may answer.

24 THE WITNESS: Yes, that is where their mattress and
25 bunk areas and their beds are at.

1 BY MS. SCHEFFEY:

2 Q Are there tables in the pod for them to eat at or play
3 games?

4 A Yes, but that's not in the immediate area where they
5 sleep. That's in what is called a day room which doesn't
6 necessarily mean it is a separate room. It just means more
7 of the middle of the entire room.

8 Q Are detainee showers also in that same pod?

9 A Yes, everything that they need is going to be in that
10 unit. It is going to have the sink area, the microwave,
11 showers, toilets, the day room area. If they have exercise
12 equipment, if there is some in that pod, it is going to be in
13 that general area as well.

14 Q Can detainees leave the pod area without an officer
15 escort?

16 A No, they may not. Only time is when they are called out
17 to various appointments. I am notified -- as a pod officer,
18 I am notified. I go in, notify the individual that he'll be
19 leaving the pod for a little bit, going to see -- whether it
20 is their lawyer, medical, ICE would like to talk to them.
21 They signed up the day before for a law library or they
22 signed up that they want to go outside to the rec yard.
23 Other than that, they can't just leave.

24 Q So what are the voluntary work program positions within
25 that (inaudible)?

1 A You have a food server. You have a general area cleaner.
2 You have a shower cleaner. You have a bathroom cleaner. You
3 have someone who sweeps and mops the floors. You have a
4 general detainee that can do any job, and I am not really --
5 I don't have the paper in front of me with a list of the jobs
6 that are available. I couldn't tell you all of them. I
7 think I hit most of them.

8 Q How does -- when you are a pod officer, how does a
9 detainee tell you they want to volunteer?

10 A Usually the way it works, a newer guy will come up and ask
11 me how do I work in the pod. I tell them, you can just send
12 a request through a kite to classification. They will notify
13 me with whatever is available, if there is anything available
14 or -- then I will notify the individual saying, would you
15 like to do these things. That will give me a yes or no.

16 Q Okay. About how long does it take to clean the shower?

17 A I have seen it range from five, ten minutes to up to an
18 hour. The only reason I seen an hour is the individual
19 preferred to stay out of his cell for count and he would sit
20 there, watch TV and squirt down or scrub or do whatever he
21 felt he needed to do to stay out and not be inside during
22 count time.

23 Q Have you ever cleaned the showers?

24 A Yes, sir (sic).

25 Q How long does that take you?

1 A Me personally, takes me about ten to 15 minutes.

2 Q Cleaning the bathrooms, have you cleaned the bathroom?

3 A I have. I have probably cleaned everything in a pod
4 before.

5 Q About how long does it take you to clean the bathrooms?

6 A Bathrooms, I am going to go with probably another 15
7 minutes. Just depends. If I ate a good breakfast that day,
8 I am moving fast. If not, I might take my time.

9 THE COURT: It is time we took a break, Ms. Scheffey.
10 Excuse me. We will take our afternoon break, folks. Be ten
11 minutes.

12 (The following occurred outside the presence of the jury.)

13 MS. CHIEN: Can I flag one thing? At 2:30 for our
14 next witness, this is the witness that has a hearing issue.
15 I want to make sure that -- or ask Ms. Scheffey how much
16 further she has because we need that person to be able to
17 testify today and complete given the accommodations we need
18 for him.

19 MS. SCHEFFEY: Let me try and figure that out during
20 the break. I am looking at my notes right here. I am doing
21 paper today. I am not as organized with my time.

22 MS. CHIEN: Thanks.

23 THE COURT: All right.

24 (Recessed.)

25 THE COURT: Our next witness, he has a double

1 interpreter or something. I don't know what is going on with
2 this witness.

3 MS. CHIEN: He needs an interpreter and he is
4 partially deaf. I would propose that -- I would love to stop
5 now. Hard stop at 3 with Mr. Menza and switch to our next
6 witness, if possible, Your Honor. I think GEO has agreed.

7 MS. SCHEFFEY: I have agreed to try and finish and
8 recall him if necessary.

9 THE COURT: You say you wanted to take a further
10 break before that witness?

11 MS. CHIEN: No, I don't want to take a further break.
12 We might have to let Mr. Menza go early if Ms. Scheffey isn't
13 done by 3:00.

14 MS. SCHEFFEY: And then call him back Monday.

15 THE COURT: What is this? A filibuster?

16 THE CLERK: If Mr. Menza is still testifying at 3:00,
17 the parties would like to stop and switch to the other
18 witness.

19 THE COURT: Yeah.

20 MS. CHIEN: Is it possible to do Mr. Marquez now?

21 MS. SCHEFFEY: I can try to finish Mr. Menza before 3
22 if we get going. I would like to give a chance for him to be
23 free.

24 THE COURT: All right. Let's go to work. Bring the
25 jury in. We will continue with Mr. Menza.

1 THE CLERK: All right, Your Honor, they are on their
2 way in. Okay, Your Honor, they are back.

3 (The following occurred in the presence of the jury.)

4 THE COURT: Okay. Everybody here?

5 MS. SCHEFFEY: Yes.

6 THE COURT: If you are not here, raise your hand.

7 Okay, Ms. Scheffey, you may continue with Mr. Menza.

8 BY MS. SCHEFFEY:

9 Q Mr. Menza, before we left we were talking about pod
10 positions, do you remember that?

11 A Yes, ma'am.

12 Q Do you have any control over whether a detainee chooses to
13 participate in the voluntary work program?

14 A I do not. On numerous occasions, I will ask them if they
15 want to. If they don't, it is up to them. They have eight
16 hours while I am there. As long as they do it while I am
17 there when they feel like it, maybe they are having a bad
18 time, maybe they want to sleep an extra hour. It is up to
19 them.

20 Q Do you have any control over whether a detainee volunteers
21 on a given day?

22 A No, I do not. Like I said, people have things going on.
23 Sometimes they just don't feel like doing much of anything.
24 I am not going to penalize them because they had a bad day.

25 Q If a detainee's pod position says that they should

1 complete their task during swing shift, what time do they
2 have to show up to finish their pod position?

3 A I am going to say 1501 to 2300. Basically 3:00 when swing
4 shift starts to 11 p.m.

5 Q They can do their position at any time?

6 A Majority of the time, yeah, any time. There is nothing
7 really specific except for the server, the food servers.
8 Just yesterday, I served the trays because, you know, they
9 were there and I didn't want the time for the food to go
10 cold. They came out later on and helped me clean up
11 afterward. I served all the trays. That's the only one that
12 has kind of a set time. With that said, we don't ever really
13 know exactly when the trays will show up.

14 Q I want to talk to you about cleaning in the pod. If a
15 detainee who is not a volunteer in the voluntary work program
16 asked to clean something, do you provide them with cleaning
17 supplies?

18 A Yes, I do. If they want to clean, I am not going to stop
19 them. Up to them. It is where they live. A lot of the
20 times, individuals will go clean on their own just because
21 they prefer a cleaner environment. I have an individual in
22 my pod right now, he likes to scrub his room just because --
23 I don't know if he has like a tick about it, but he's very, I
24 want it this way. He does it every Thursday. Every
25 Thursday, he scrubs his own room. That is not required by

1 any of my workers to go and clean other people's rooms or
2 anything like that. It is just, he prefers it one way,
3 that's what he does. It passes the time for them.

4 Q They can't bring supplies from home to clean with?

5 A No. No. Any supplies that we have for them, it has got a
6 data sheet that explains the safety requirements and all
7 that. Basically, it is an approved cleaning supply.

8 Q Okay. You also testified earlier that you were the
9 library officer; is that correct?

10 A Yes. Go ahead.

11 Q Is one of the jobs of the library officer to help pick the
12 movies?

13 A Mine, specifically at the time there was no recreation
14 specialist at the time, so I took on both positions. As the
15 law library officer, I also was in charge of recreation. I
16 would order movies and games and anything that required to be
17 distributed to the housing units or our video program for
18 detainees to watch movies at night.

19 Q Okay. Did the detainee volunteers get to help you pick
20 the movies?

21 A I left it open to everybody. I would take suggestions.
22 Lots of people would sign up for the law library just to come
23 down and help me pick movies, yeah. I hear Blade 75 is
24 coming out, so is there any way we can get that? Sure, as
25 long as it is available through Amazon. If can find a way to

1 get it through one of these sites, yeah, I will get it for
2 them, no problem.

3 Q When are those movies played?

4 A Been awhile. I believe 7:00ish. Every night, 7:00 one of
5 the movies would be played and that movie would be repeated
6 the next morning. In my pod, they liked to sleep past the
7 time it starts. It is replayed so everybody who didn't watch
8 it the night before could catch it in the morning.

9 Q You were asked earlier if you would work for one dollar
10 per day; is that right?

11 A I was.

12 Q Are you an employee of GEO?

13 A I am an employee of GEO.

14 Q Does GEO pay for your rent or mortgage or does that come
15 out of your salary?

16 A Comes out of my salary.

17 Q Does GEO pay for your meals?

18 A They do not.

19 Q What about your cable TV?

20 A They do not.

21 Q To your knowledge, does GEO charge detainees for their
22 room and board?

23 A To my knowledge, they do not.

24 Q Do you have any control over the amount of the stipend
25 detainee volunteer workers receive?

1 A No, that is not within my wheelhouse.

2 MS. SCHEFFEY: Thank you. No further questions.

3 MR. POLOZOLA: Nothing further from the State,
4 Your Honor.

5 MR. BERGER: No further questions, Your Honor.

6 THE COURT: All right. You may be excused,
7 Mr. Menza. Thank you.

8 THE WITNESS: Thank you, sir.

9 THE COURT: Let me ask you about your next witness.

10 MS. CHIEN: Yes.

11 THE COURT: We have an English-Spanish interpreter;
12 is that correct?

13 MS. CHIEN: Correct.

14 THE COURT: You mentioned he was hard of hearing?

15 MS. CHIEN: Yes.

16 THE COURT: Does this require some special
17 accommodation or what?

18 MS. CHIEN: We have arranged so that we have CART,
19 which I understand to be similar to your real time, that is
20 on a computer right next to him that is typing out the
21 subtitles.

22 THE COURT: Ladies and gentlemen, it is my
23 understanding this next witness will be testifying in the
24 Spanish language. Witnesses who do not speak English or are
25 not proficient in English can testify through official court

1 interpreters. Some of you may know Spanish, but it is
2 important that all of you consider the same evidence,
3 therefore you must accept the interpreter's translation of
4 the witness's testimony and must disregard any different
5 meaning. And you should make no assumptions about a witness
6 based solely on the use of an interpreter to assist the
7 witness and the Court and any party.

8 You may call your witness, Ms. Chien.

9 MS. CHIEN: State would like to call Mr. Orlando
10 Marquez.

11 THE CLERK: He is in the process of joining at the
12 moment.

13 THE COURT: The court interpreters are already sworn
14 and are official interpreters. The name of the witness?

15 MS. CHIEN: Orlando Marquez.

16 THE COURT: Here he is.

17 Mr. Marquez, I am Judge Bryan, can you hear me all right
18 with the help of the interpreter?

19 THE WITNESS: Yes, I am able to hear.

20 THE COURT: Will you raise your right hand and be
21 sworn. Do you swear or affirm that your testimony in this
22 cause will be the truth, the whole truth and nothing but the
23 truth?

24 THE WITNESS: Yes.

25 ORLANDO MARQUEZ,

1 having been sworn under oath, testified as follows:

2 THE COURT: All right. Thank you. And you may
3 proceed, counsel.

4 DIRECT EXAMINATION

5 BY MS. CHIEN:

6 Q Mr. Marquez, where do you live?

7 A In Burbank, Washington.

8 Q Do you have a disability?

9 A Yes, I have a hearing loss. On the right ear, I hear only
10 50 percent. On the left, nothing.

11 Q Are you using technical assistance to help you with your
12 disability while you are testifying today?

13 A Yes, subtitles on audio.

14 Q Are you familiar with the Northwest Detention Center?

15 A Yes. Yes, I was -- yes.

16 Q You were about to finish your answer before the
17 interpreter spoke.

18 THE INTERPRETER: The interpreter did not cut him
19 off. The witness stopped.

20 BY MS. CHIEN:

21 Q How are you familiar with the Northwest Detention Center?

22 A (No response.)

23 Q When were you --

24 A I was detained.

25 Q When were you detained at the Northwest Detention Center?

1 A April 24 to December 1st, 2017.

2 Q Where were you living before you were at the Northwest
3 Detention Center?

4 A In Everett, Washington.

5 Q So you weren't coming from a prison; is that right?

6 A I was not.

7 Q While you were at the Northwest Detention Center, did you
8 work there?

9 A Yes.

10 Q What jobs did you do while you were at the Northwest
11 Detention Center?

12 A The kitchen, painting, and the bathroom, the showers.

13 Q Why did you work at the Northwest Detention Center?

14 A Because I needed money for my hearing surgery, for my
15 phone calls, for my family and to eat.

16 Q Let's talk about your job in the kitchen. How did you get
17 your job in the kitchen?

18 A I put a message in the computer for ICE requesting a job.
19 They said, okay. They placed me on a waiting list, and when
20 they needed me, I was called.

21 Q You put a request in to GEO; is that right?

22 MS. SCHEFFEY: Objection, misstates testimony.

23 Your Honor, I objected, leading and misstates testimony.

24 THE COURT: I don't know that there is a question.

25 MS. CHIEN: Let me try that again. I can back up. I

1 will withdraw.

2 THE COURT: Okay. Go ahead.

3 BY MS. CHIEN:

4 Q How did you get your job in the kitchen?

5 A I placed a message on the computer requesting work. I was
6 approved and placed on a waiting list, and when I was needed
7 for work, the GEO officer called me to go to work.

8 Q When you started in the kitchen, did you have to sign
9 anything when you worked in the kitchen?

10 A Yes.

11 Q What did you have to sign?

12 A The job agreement, the description, and the volunteer
13 work.

14 Q Did you have to sign any training materials?

15 A Training.

16 Q Is that yes?

17 A Yes.

18 Q How many days a week did you work in the kitchen?

19 A For the first job, I worked six and for the second job in
20 the kitchen, I worked seven days.

21 Q Just to clarify, you worked two different times in the
22 kitchen; is that right?

23 A That's right, the first one because they approved one off
24 day, and the second one I worked the seven days.

25 Q What was your work schedule when you worked in the

1 kitchen?

2 A From four to 9:30. But it would vary. If they did not
3 have enough people, we would end later.

4 Q Can you please describe your job duties in the kitchen?

5 A What I did?

6 Q Yes, what did you do in the kitchen?

7 A I would prepare all the utensils that were needed, the
8 forks, everything else, the trays, we would put ice
9 underneath the trays to keep things cool. Then we would
10 prepare the bread, the butter and all that. Then at the end,
11 we would clean up, sweeping, mopping and washing.

12 Q Did you have to carry pots and pans and things like that?

13 A Yes, the pans, for example, I would bring, and also it
14 depended. I mean, if you got there to work earlier, then you
15 didn't have the really hard jobs. But myself, I mean, I
16 would always end up like doing the hard jobs.

17 Q What did you wear while you were working in the kitchen?

18 A The uniform that they would give us. For example, the
19 boots with bags inside of the boots so we would not get our
20 feet wet. Also, like the mouth covers and the hats and the
21 gloves.

22 Q Who provided that equipment to you?

23 A The GEO servers.

24 Q I am going to ask you to turn to Exhibit 433 in the
25 documents we have given you on the table.

1 MS. SCHEFFEY: Marsha, were we provided with 433?

2 MS. CHIEN: It has been admitted.

3 BY MS. CHIEN:

4 Q It has already been admitted. I would like to show
5 Exhibit 433. Do you recognize what is going on in this
6 photo?

7 A Yes.

8 Q Can you tell me what is happening on the left side of the
9 photo?

10 A On the left side, you mean where the officer is or where
11 the trays are?

12 Q Where the officer is.

13 A The officer is there with some guys who are getting ice to
14 put ice cubes in some buckets. The ones on the right are
15 setting up the utensils to sort out for the detainees in each
16 room depending on the number of detainees per room so they
17 match the utensils with the number of people.

18 Q Asking you to turn to Exhibit 435. Do you recognize this
19 photo?

20 A Yes.

21 MS. CHIEN: I would like to move to admit Exhibit
22 435.

23 MS. SCHEFFEY: No objection.

24 THE COURT: 435 may be admitted.

25 (Exhibit 435 was admitted.)

1 Q Can you tell me what is going on in this photo?

2 A What is happening is we need to take all the bread you can
3 see there in the bags and put them in the large white bins;
4 otherwise, if we get the bread out of those bags, the bread
5 would end up breaking.

6 Q You were getting the bread out of the bags to make the
7 serving line go faster; is that right?

8 A Yes.

9 Q You worked the dinner shift from four to 9:30 and you
10 worked six days a week; is that right?

11 A Yes.

12 Q About 30 hours a week; is that right?

13 A Yes.

14 Q Who supervised you?

15 A The GEO servers.

16 Q How did the GEO servers treat you while you were working
17 in the kitchen?

18 A Badly, really. They would rush me. They would yell at
19 me, and they would scold me. I reported that. I reported it
20 on the computer.

21 Q Tell me, why were they yelling at you?

22 A They would rush you, you know, when you were busy doing
23 one thing they would start yelling at you for you to do
24 something else, but you were -- you had your hands busy doing
25 one thing and they want you to do something else.

1 Q You testified that GEO officers yelled at you. Did you
2 complain to anybody? Sorry, I think you testified you did
3 complain; is that right?

4 A Yes, I did report him, like I said. I also reported it to
5 ICE and I told them to look at the cameras.

6 Q Look at the cameras in the kitchen; is that right?

7 A Yes.

8 Q When did you complain?

9 A I don't remember.

10 Q I am going to show -- I am going to ask you to look on
11 your documents at Exhibit 607. In reviewing this document,
12 do you recognize your complaint?

13 A Yes.

14 MS. CHIEN: I would like to move to admit Exhibit
15 607.

16 MS. SCHEFFEY: I would object on relevance.

17 MS. CHIEN: It is a complaint he had about his work
18 in the kitchen.

19 MS. SCHEFFEY: I don't think I heard him testify
20 about that.

21 THE COURT: 607 may be admitted.

22 (Exhibit 607 was admitted.)

23 Q Now you can look at your screen. You see at the top, it
24 says from Orlando Marquez Zavalza?

25 A Yes.

1 Q It says, "original request." Below it says -- I believe
2 it has your complaint; is that right?

3 A Yes.

4 Q I am going to ask the interpreter to read your original
5 request and tell me if that is correct.

6 THE INTERPRETER: You want me to read it into
7 English, right?

8 MS. CHIEN: Yes, please.

9 THE INTERPRETER: Good evening. I want to report
10 Server Carter. I talked to her to ask if she would let me go
11 back to my cell because I was feeling bad, dizzy and with a
12 headache at 7:45 p.m. She just ignored me, you know, and she
13 left. I have depression and facial paralysis. I like to
14 work, but at times they force me. When I am already busy
15 doing some job, they send me to another one. I told them I
16 only have two hands. Thank you for your understanding and
17 for your time.

18 BY MS. CHIEN:

19 Q Is that your recollection of what your complaint was?

20 A Yes.

21 Q Do you see at the top of the form it says it is assigned
22 to ICE?

23 A Yes.

24 Q What did ICE tell you?

25 A That I need to report that to GEO.

1 Q When you had a complaint about the work in the kitchen,
2 the response from ICE is this was a GEO issue, you have to
3 report it to GEO?

4 A That is right.

5 Q Why did you quit working at the kitchen?

6 A Because of the abuse, the yelling and the poor treatment.

7 Q Did you later request to return to the kitchen?

8 A Yes, because I needed money.

9 Q Why did you need money?

10 A Because I needed to make calls to my family. I also
11 needed to save some money for my ear surgery. Basically, to
12 make calls to my family, who was in Mexico.

13 Q Was it also because you were hungry?

14 A Yes.

15 Q Did you get extra food from the kitchen?

16 MS. SCHEFFEY: Objection, leading.

17 THE COURT: The objection is overruled.

18 BY MS. CHIEN:

19 Q Let me ask it again. Did you get extra food in the
20 kitchen?

21 A Yes, whatever we could get ahold of, you know, I tried to
22 get a lot.

23 Q You requested to return to the kitchen. Did you get to
24 return to the kitchen right away?

25 A No.

1 Q Did you have to wait?

2 A I was placed on a waiting list. I waited for about one
3 month. When they did not respond so I sent another one,
4 another request and then they did.

5 Q You couldn't just work in the kitchen whenever you wanted;
6 is that right?

7 A It depended on whether they would accept me or not.

8 Q You also mentioned that you cleaned the bathrooms; is that
9 right?

10 A Yes, the showers.

11 Q How much -- did you have to sign anything to prove that
12 you worked in the showers or cleaned the bathrooms? Sorry.

13 A Yes.

14 Q I would like to show you Exhibit 408-A.

15 THE INTERPRETER: Counsel, you said 408, right?

16 MS. CHIEN: Yes.

17 THE WITNESS: Yes, I have it.

18 BY MS. CHIEN:

19 Q Are you at Exhibit 408?

20 A Yes.

21 Q Can you turn to page 29?

22 MS. SCHEFFEY: 408-A, Marsha?

23 MS. CHIEN: Sorry. Sorry. Yeah, yeah, yeah.

24 BY MS. CHIEN:

25 Q I am going to ask you to look at Exhibit 408 and then turn

1 to the bottom where there is numbers on the bottom. The
2 bottom says 189008.

3 A Let me see, I am not able to see the number.

4 MS. SCHEFFEY: Marsha, if I don't object --

5 MS. CHIEN: Can I publish it? Thank you.

6 MS. SCHEFFEY: Your Honor, GEO does not object to
7 408-A.

8 THE COURT: Sorry?

9 MS. SCHEFFEY: I believe Ms. Chien would like to
10 admit Exhibit 408-A. I do not object.

11 THE COURT: I don't know what 408-A is. Is this
12 marked by the defendants?

13 MS. CHIEN: It is marked by the plaintiffs.

14 THE WITNESS: The numbers, I don't know whether they
15 are right, 189008.

16 BY MS. CHIEN:

17 Q I will back up. Did you have to sign a sheet, a form in
18 order to show that you worked each day?

19 A Yes.

20 Q I believe you said you painted; is that right?

21 A Yes.

22 Q What did you paint as part of your work program?

23 A I got to paint all the metal railing on the stairs, the
24 color green.

25 Q You weren't painting murals; is that right?

1 A No.

2 Q All right. You worked in the kitchen, you worked in the
3 bathrooms and you painted. How much did you earn for each
4 day of work?

5 A \$6 a week.

6 Q A dollar a day?

7 A Yes, a dollar a day.

8 Q Could you survive at the Northwest Detention Center on one
9 dollar a day?

10 A Impossible. No.

11 Q Why is that? What did you have to spend money on?

12 A Because each call to Mexico for three minutes would cost
13 \$6 and I would make six to seven calls to Mexico a day asking
14 for help. I also watched videos, music, and I bought food.

15 Q The movies cost money; is that right?

16 A Yes, I would spend over \$10 or \$8 for videos.

17 Q So you could watch a movie personally and not with the
18 entire pod; is that right?

19 A Yes.

20 Q You couldn't survive on a dollar per day. Did you have to
21 ask friends or family for money?

22 A Yes.

23 Q Did you feel embarrassed to ask for that money?

24 A Yes, because I have worked really hard to be able to send
25 money for my family and, you know, everybody knows me, and I

1 felt really ashamed to have to have my family send me money
2 and my friends.

3 Q When you were released from the Northwest Detention Center
4 on December 1, how much money did you have in your account?

5 A Approximately \$22, but, you know, out of all the time I
6 worked, I couldn't believe it.

7 Q Why were you released from the Northwest Detention Center?

8 A They accept -- I earn -- I won a case.

9 Q Your immigration case?

10 A Yes.

11 Q What was the basis for you winning your immigration case?

12 A Because I was afraid of going back, afraid for my life and
13 my brother was killed.

14 Q Who killed your brother?

15 A The mafia.

16 Q You were released, does that mean immigration officials
17 determined you were allowed to stay in the United States?

18 A Yes.

19 Q Do you have work authorization?

20 A Yes.

21 Q Where do you live?

22 A Burbank, Washington.

23 Q What kind of work do you do now?

24 THE INTERPRETER: The interpreter needs to ask for
25 clarification.

1 THE WITNESS: I am painting, so I paint boats, water
2 fountains, water tanks.

3 BY MS. CHIEN:

4 Q How much do you earn an hour?

5 A The most I've earned is \$45.

6 MS. CHIEN: No further questions.

7 CROSS-EXAMINATION

8 BY MS. SCHEFFEY:

9 Q Mr. Marquez, it is my understanding you have a hearing
10 accommodation. Before we begin, are you able to hear me
11 okay?

12 A Yes.

13 Q How did you end up at the Northwest ICE Processing Center?

14 A ICE detained me at a traffic light in Everett.

15 Q Before you were detained at the Northwest ICE Processing
16 Center, had you previously been deported by an immigration
17 judge in Houston, Texas?

18 A Yes.

19 Q So after you were deported, you reentered the
20 United States, correct?

21 A Yes.

22 Q That's why you were detained by ICE, correct?

23 A Yes.

24 Q GEO was not the one who detained you, correct?

25 A No.

1 Q So before you were deported the first time, were you
2 detained at any other facility?

3 A Yes.

4 Q What was the name of that facility?

5 A I was in Houston for a month, in New Orleans another
6 month.

7 Q Did you participate in the voluntary work program at
8 either of those facilities?

9 A (No audible response.)

10 Q I'm sorry, I didn't hear the answer.

11 A No.

12 Q Were you able to make any money while detained in those
13 facilities?

14 A I remember I did.

15 Q How did you make that money?

16 A Paid by the day.

17 Q Were those a dollar a day programs as well?

18 A Yes, but I don't understand why we were earning a dollar
19 and what is the difference from now.

20 Q Have you brought a lawsuit against either of those
21 facilities claiming to be an employee?

22 A No.

23 Q Why not?

24 A I did not have a complaint.

25 Q Okay. So when you got to the Northwest ICE Processing

1 Center, you received an orientation, correct?

2 A Northwest is Tacoma?

3 Q Yes, we can refer to it as Tacoma, if that is easier.

4 A Yes.

5 Q In that orientation, did you learn about the voluntary
6 work program?

7 A Yes.

8 Q Did you learn that the stipend was one dollar per day?

9 A Yes.

10 Q You were informed you could use the law library?

11 A What do you mean "the law library"?

12 Q While you were detained, there was a room where you could
13 use computers and work on your case, correct?

14 A Yes, and to make the calls.

15 Q You could watch TV while detained?

16 A Yes.

17 Q You could play games?

18 A Yes.

19 Q You could participate in recreation?

20 A Yes.

21 Q You were able to knit or crochet?

22 A Yes.

23 Q You were able to go to church?

24 A Yes.

25 Q Another option was to participate in the voluntary work

1 program, right?

2 A Yes.

3 Q If you have it in front of you, I would like you to look
4 at Exhibit A-286.

5 THE INTERPRETER: Could you repeat the exhibit
6 number?

7 MS. SCHEFFEY: A-286.

8 MS. CHIEN: You are asking, he needs to look in the
9 Box. We might need to help him access Box. You said A-286,
10 Adrienne?

11 I think he has it, maybe.

12 BY MS. SCHEFFEY:

13 Q Do you have the document in front of you, sir?

14 A Yes.

15 Q At the bottom, it says *firma* or signature?

16 A Yes.

17 Q Is that your signature?

18 A Yes.

19 Q What is this document?

20 A It is the agreement for the work volunteer program.

21 MS. SCHEFFEY: Move to admit A-286.

22 MS. CHIEN: No objection.

23 MS. SCHEFFEY: If we could publish it to the jury.

24 THE COURT: It may be admitted.

25 (Exhibit A-286 was admitted.)

1 Q This document was in Spanish, correct?

2 A Yes.

3 Q Is Spanish your primary language?

4 A Yes.

5 Q This document told you that the stipend would be only one
6 dollar per day; is that correct?

7 A Yes.

8 Q It also told you that your participation was voluntary?

9 A Yes.

10 Q It has your A number on it?

11 A Yes.

12 Q We can take the document down. When you asked to
13 participate, you were placed on the waiting list, correct?

14 A Yes.

15 Q That was because there were a lot of detainees who wanted
16 to participate, correct?

17 A Yes.

18 Q When you were placed on the waiting list for the kitchen,
19 you were notified that it could take a few weeks to get a
20 clearance; is that correct?

21 A No.

22 Q Okay. I would like you to take a look at Exhibit A-289.

23 THE INTERPRETER: A-289? Is that -- I'm sorry,
24 counsel, A-289?

25 MS. SCHEFFEY: A-289.

1 BY MS. SCHEFFEY:

2 Q Do you have it open?

3 A Nothing appeared here. It is not here.

4 MS. CHIEN: Do you mind if somebody sits in the room
5 with him?

6 THE WITNESS: Yes.

7 BY MS. SCHEFFEY:

8 Q Okay. Do you see your name at the top of this document?

9 A Yes.

10 Q Do you also see your A number?

11 A Yes.

12 Q Is this a request you made on the tablet in your dorm?

13 A On the tablet?

14 Q Is this a request you made on a difference device,
15 something called a kite?

16 A No.

17 Q So this document with your A number and name at the top is
18 not yours?

19 A Yes, yes, it is mine.

20 MS. SCHEFFEY: Move to admit A-289.

21 MS. CHIEN: Objection.

22 THE WITNESS: An officer gave it to me for me to sign
23 it for my -- when I resigned.

24 THE COURT: A-289 may be admitted.

25 MS. SCHEFFEY: Can someone publish A-289 for me?

1 (Exhibit A-289 was admitted.)

2 Q This document states that you were signing to not work in
3 the kitchen anymore; is that correct?

4 A Yes. To quit my job, yes.

5 Q So you were able to resign from the voluntary work
6 program, if you wanted?

7 A Yes.

8 Q Can you look at A-287?

9 A I cannot find it right now on the screen.

10 MS. SCHEFFEY: Can someone help him get A-287?

11 MS. CHIEN: You can stay in there.

12 THE WITNESS: I got it.

13 BY MS. SCHEFFEY:

14 Q Does this document have your name and A number at the top?

15 A Yes.

16 Q Is this your request to work in the voluntary work
17 program?

18 A Yes, in the room, yes.

19 MS. SCHEFFEY: I move to admit A-287.

20 MS. CHIEN: No objection.

21 THE COURT: It may be admitted.

22 (Exhibit A-287 was admitted.)

23 MS. SCHEFFEY: Thank you, Your Honor.

24 BY MS. SCHEFFEY:

25 Q If we can blow up the bottom part, which is the response

1 by Ms. Singleton. Do you see at the bottom where it says the
2 process may take a few weeks to complete?

3 A Okay.

4 Q Does that refresh your recollection that you were told
5 that it would take a few weeks to get a position in the
6 voluntary work program?

7 A Oh, yes.

8 Q You testified earlier that you arrived in April 2017; is
9 that correct?

10 A Yes.

11 Q So if you look at the top of this document, the date is
12 June 2nd, 2017. Do you see that?

13 A Yes.

14 Q As of that date, you still did not have a position in the
15 voluntary work program; is that correct?

16 A No.

17 Q So it took at least two months to get a position in the
18 voluntary work program; is that correct?

19 A I don't remember.

20 Q Okay. Can you look at the request on this document where
21 it says, "Can I get any job here, please?"

22 A Yes.

23 Q Were you asking for a job with that request?

24 A Yes.

25 Q So at that point, you did not have a position in the

1 voluntary work program?

2 A No.

3 Q We just went over that request that was made on June 2nd;
4 is that correct?

5 A I wrote it on May 31st.

6 Q On May 31st? Is that at the top of the document?

7 A Yes.

8 Q Then it was received on June 2nd; is that correct?

9 A Yes.

10 Q If we could pull up document 289 again on the screen for
11 the witness.

12 A I have it.

13 Q You testified a little bit ago this document indicated
14 that you were resigning from your position in the voluntary
15 work program; is that correct?

16 A Okay, yes.

17 Q The date at the top of this document, can you see that at
18 the top? Can we blow that up?

19 A Yes. (Interpreter still translating the response.)

20 MS. SCHEFFEY: Object as nonresponsive because the
21 question was: Can you see the date at the top of the
22 document?

23 THE WITNESS: Yes, I can see it.

24 BY MS. SCHEFFEY:

25 Q Okay. The date is June 16th; is that correct?

1 A I don't remember whether it was that date, but, yes.

2 Q Can you see the date at the top of the document?

3 A Yes, I can see it.

4 Q That date is June 16th, correct?

5 A Yes.

6 Q So some time in between June 2nd and June 16th, you were
7 given a position in the voluntary work program and also chose
8 not to participate anymore; is that correct?

9 A Yes.

10 Q So at most you participated for 15 days; is that correct?

11 A I participated in what?

12 Q In the voluntary work program in the kitchen?

13 A I don't remember.

14 Q When you left the kitchen, did it have any impact on your
15 ability to volunteer for another program?

16 A Whether it affected me in some fashion to participate in
17 something else?

18 Q Were you able to request to volunteer in the program again
19 after you left the program?

20 A Yes.

21 Q Did you have to interview for a position in the voluntary
22 work program?

23 A I don't remember.

24 Q Were you able to take time off to go to church on Sunday?

25 A Yes.

1 Q Were you able to ask to be assigned to your preferred time
2 slot at four p.m.?

3 A Yes.

4 Q You had the opportunity to be a food server handing out
5 food and milk, correct?

6 A Yes.

7 Q You didn't select that position, correct?

8 A I did select it.

9 Q We just looked at a document that showed you worked in the
10 kitchen, correct?

11 A Yes.

12 Q So that is the position you selected in the voluntary work
13 program, correct?

14 A Yes.

15 Q If you hadn't selected that position, you wouldn't have
16 had an opportunity to leave your pod to work; is that
17 correct?

18 A If I did not have the opportunity to leave what?

19 Q Your pod or your dorm.

20 A Yes, I was able to leave.

21 Q You could leave your dorm whenever you wanted and go
22 outside?

23 A When the officer said so, there is a list with times and
24 days where you can go out to play, where you can go to
25 church, where you can go do other things.

1 Q That helps me understand. Thank you.

2 You liked staying busy while you were detained,
3 correct?

4 A Yes.

5 Q You didn't want to sit in your bunk all day, did you?

6 A No.

7 Q Did you keep your own area clean?

8 A Yes.

9 Q Did you like to make the other volunteers who cleaned up
10 the pods job easier?

11 A Yes.

12 Q Prior to being detained, were you working?

13 A Yes.

14 Q Did you have a work authorization from the government?

15 A No.

16 Q Did you have a work authorization from the government
17 while you were detained?

18 A No.

19 Q Who is Myra Marquez?

20 A Not Myra, Moriya.

21 Q Moriya, I apologize. Who is she?

22 A My first cousin.

23 Q Did she send you money while you were detained?

24 A Yes, because I sold my car and I asked for money and it
25 was sent to her and she would send it to me.

1 Q Did she send you about \$200 when you were detained?

2 A I don't remember whether it was one, two or three.

3 Q It would have taken you a full year in the voluntary work
4 program to get \$300; is that right?

5 A Yes.

6 Q Is it fair to say that much more of your money came from
7 Ms. Marquez than from the voluntary work program?

8 A From my family, yes.

9 Q Who is Cassandra Pateo (phonetic)?

10 A A friend.

11 Q Did she send you money while you were detained?

12 A Yes.

13 Q What about Jessica Williams, did she send you money while
14 you were detained?

15 A Yes, she is the mother of my son.

16 Q Did you have a friend send you shoes while you were
17 detained?

18 A I don't remember.

19 THE COURT: Excuse me, Ms. Scheffey, it is quitting
20 time. You folks can be excused --

21 MS. CHIEN: Your Honor, can I just flag, because --
22 Ms. Scheffey, if Ms. Scheffey doesn't have that much longer,
23 I would like to let Mr. Marquez go, given the multiple
24 accommodations that he requires. I would like to ask
25 Ms. Scheffey --

1 THE COURT: Ms. Chien, it is 4:00 on Friday night.
2 Court hours were set in the pretrial order. We are not going
3 to go overtime in the absence of an emergency. I don't see
4 this as an emergency. If it is -- if you care, my day is
5 long from over yet. I have a lot of work to do before I can
6 stop work for the day.

7 Now, I would like counsel to remain on the call for a
8 minute and the jury may be excused.

9 Please follow my instructions about recesses. Don't
10 discuss the case with anyone else. Don't read, view or
11 listen to any news accounts, and there have been some, I
12 understand. Don't look or read them if you see them. Don't
13 do any independent research or study on any of the matters
14 you heard discussed in court or anything about the case.

15 We will reconvene at 9:00 on Monday. Have a nice weekend.
16 Don't worry about the case or think about it over the
17 weekend. It will all come back to you on Monday when you
18 start again.

19 The jury may be excused.

20 (The following occurred outside the presence of the jury.)

21 THE COURT: Mr. Marquez, you may be excused, but you
22 must come back Monday.

23 THE WITNESS: Monday?

24 MS. CHIEN: He said Monday.

25 THE CLERK: The jury is gone, Your Honor.

1 THE COURT: All right, Mr. Marquez and the
2 interpreters may be excused.

3 THE INTERPRETER: Thank you, Your Honor.

4 THE COURT: Okay. I asked Tyler if he could give you
5 a time check at the end of the week. Can you do that, Tyler?

6 THE CLERK: I can. Can I take care of one piece of
7 business before I do that so I don't forget?

8 Exhibit -- I believe it was 408-A was offered. I don't
9 believe there was an objection to it, but then we kind of
10 moved on. I am just checking to see if it was admitted or
11 not admitted.

12 THE COURT: I'm sorry, what exhibit number was it?

13 THE CLERK: Ms. Chien, 408-A.

14 MS. CHIEN: I don't believe it was admitted.

15 MS. SCHEFFEY: We have no objection if you want it
16 admitted.

17 MS. CHIEN: All right. That's fine.

18 THE COURT: 408-A may be admitted.

19 MS. CHIEN: Thank you.

20 THE CLERK: The times that have been used so far, the
21 State of Washington has used seven hours, 45 minutes and 42
22 seconds. The class plaintiffs have used one hour, 33 minutes
23 and 35 seconds. The defense has used five hours, 41 minutes
24 and 42 seconds.

25 THE COURT: Okay. There you have it. This seems to

1 me painfully slow. We got a lot of detail that seems to be,
2 to me at least, seems to be only marginally relevant. As
3 long as there is sufficient relevance, I am not going to cut
4 anybody off, but I guess what I want to say is I would urge
5 you to examine what it is this case is about and what you are
6 really trying to prove and be sure that the evidence you plan
7 to offer really goes to the issues in the case. It just
8 seems to me that a number of times, we have been far afield.

9 Okay. Have a nice weekend. Don't work too hard over the
10 weekend. See you on Monday morning at 9:00. Thanks.

11 MR. POLOZOLA: Thank you, Your Honor.

12 MS. SCHEFFEY: Thank you.

13 (The proceedings adjourned.)
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